

**SIMON COMMISSION REPORT
ON INDIA
(INDIAN STATUTORY COMMISSION)**

VOLUME VII

MEMORANDUM

SUBMITTED BY THE GOVERNMENT OF

BOMBAY

**TO THE INDIAN STATUTORY
COMMISSION**

**Swati Publications
Delhi**

THE HON'BLE THE PRESIDENT:—“ The second question before the House is this:—

“ This Council recommends to the Governor in Council that while it is not the intention of the Council to prejudice the transfer of Sylhet by any consideration as to the status of the rest of the province, Assam should not by reason of the transfer be deprived of any of the political privileges which it at present enjoys in common with other Governors' provinces or which may hereafter be extended to other Governors' provinces.’ ”

The motion was carried *nem con.*

THE HON'BLE THE PRESIDENT:—“ As the House has carried these two resolutions the rest of the resolutions drop out.”

THE HON'BLE THE PRESIDENT:—This is the order of His Excellency the Governor:—

In exercise of the powers conferred on him by Section 72B of the Government of India Act, His Excellency the Governor is pleased to declare that at the conclusion of the meeting of the 7th January 1926 the Assam Legislative Council do stand prorogued.

B. N. RAU,

Secretary to the Legislative Council, Assam.

SHILLONG:

The 9th January 1926.

Reprinted 1988

Published by: SWATI PUBLICATIONS
34, Central Market,
Ashok Vihar, Phase I, Delhi-110 052.

Printed at: EFFICIENT OFFSET PRINTERS,
B-62/13, Naraina Phase II,
Delhi-110 028 Ph.: 5714051

PART I

DESCRIPTIVE

TABLE OF CONTENTS

Part I—Descriptive

	<i>Subject</i>	<i>PAGES</i>
CHAPTER I—STATISTICAL ACCOUNT	1-4
CHAPTER II—THE PROVINCIAL ADMINISTRATION (HEAD-QUARTERS)—	..	
The Provincial Executive	5-9
The Legislature	9-11
The High Court ; The Sind Chief Court	11-13
The Secretariat	13-17
CHAPTER III—GROWTH OF EDUCATION—		
General Statistics	18-21
Primary Education	21-29
Secondary Education	29-32
Collegiate Education	32-33
The University of Bombay	33-35
Special Institutions	35-37
Education of Girls	37-38
Education of Women	38-39
Education of Muhammadans	39-44
Education of the Intermediate and Backward Classes	44-49
Summary and General Remarks	49-63
Educational work done by Christian Missionaries	63-65
European Education	65-76
Appendices	77-100
CHAPTER IV—DEVELOPMENT AND WORKING OF REPRESENTATIVE INSTITUTIONS—		
<i>Part I—Development of Representative Institutions</i>		
General	101-103
Municipalities	103-120
Local Boards	120-139
Village Panchayats	139-143
Notified Area Committees	143-144
Village Sanitary Committees and Sanitary Boards	144-145
Cantonments	145-148
Summary	149
<i>Part II—Working of Representative Institutions</i>		
Methods of election in municipalities and local boards	149-151
Representation of minorities and special interests	151-155
Interest taken by electors in Municipal and Local Board elections	155-156
Relationship between representatives and constituents : The growth of parties : The growth of informed public opinion	156-159
Effects of communalism on Local Self-Government and on the progress of Primary Education	159
Local Self-Government and the Non-Co-operation Movement : Relations of Local Bodies with Government officers	159-160
Exercise by Government of their extraordinary powers of control over local bodies	160-164
The suitability of existing areas for the growth of representative institutions	164-166

<i>Subject</i>	<i>PAGES</i>
Local Self-Government Institute	166-167
Changes of policy in the administration of local boards and village panchayats	167
Appendices	168-212
CHAPTER V—COMMUNAL DISORDERS—	
I. — Hindu-Moslem Tension	213-226
II. — Brahmans and Non-Brahmans	226-230
The "Untouchables" or the Depressed Classes <i>versus</i> the "Touchables"	230-232
Appendix	233-238
CHAPTER VI—INDIANISATION OF SERVICES—	
The Civil Services in India	239
The MacDonnell Committee	239-240
The Recommendations of the Lee Commission	240
The Indian Civil Service	240
The Indian Police Service	240-241
The Indian Service of Engineers	241
The All-India Services in the Transferred Fields	241
Progress of Indianisation in the All-India Services	242
Safeguards and Guarantees	242
Reservation of Indian Medical Service posts	242-243
Reservation of Indian Educational Service posts	243
Special posts	243-245
Appendices	246-248
CHAPTER VII—THE EXECUTIVE AND ADMINISTRATION—	
Introductory remarks	249
(A) <i>Reserved and Transferred Departments</i>	
Working of the Reserved and Transferred Departments generally	249
Control of the Government of India over the Local Government	250-263
The Position and Powers of the Governor	263-265
Rules of Business and their working : relations between the two halves of Government	265-267
Working of Dyarchy	267-269
Finance in relation to reserved and transferred subjects : The proposal for a Joint Secretary and a separate purse	269-271
Tendency of Legislation since the Reforms	271-277
Control of the Secretary of State over the Local Governments	277-280
(B) <i>Reserved Departments</i>	
Working of the System of Government in the Reserved Departments	280-281
Division of subjects between the Central and Provincial Governments	281-282
Separation of Executive and Judicial Functions	282-291
The position of the Finance Department and its relation to other departments	
The Functions and Powers of the Public Accounts Committee and the Finance Committee	298-303
Effect of the Reforms on the Secretariat	303-305
Movements of a subversive character	306-313
The Press	313-321
The Khilafat and Non-Co-operation Campaign	321-350
The Bardoli Taluka Agitation	350-354
(C) <i>Transferred Departments</i>	
Working of the System of Government in the Transferred Departments	355-357
Agriculture	358-363
Forests	363-365
Excise	365-367
The Growth of the Co-operative Movement	368-372
Registration	372-373

CONTENTS

iii

Subject

PAGES

Department of Industries	373-374
Public Health Department	374-375
Medical Department	375-376
Legislation in the Transferred Departments	376-381
Social Progress in the Presidency	381-391
Appendices	392-400

CHAPTER VIII—THE LEGISLATURE—

Strength and Composition of the Bombay Legislative Council	401
Constitution and Powers of the Legislative Council	401-405
Franchise for the Legislative Council	405-407
Electorates	407-415
Formation of Constituencies and Distribution of Seats	415-420
Candidates	420-421
Elections	421-428
Central Legislature	428-434
Communal tendencies as evidenced by questions put, resolutions moved or proposed to be moved, and legislation and amendments brought forward by non-official members	434
Constitution of a Second Chamber	434-435
Influence of the Press on (i) elections, and (ii) questions brought before the Legislative Council	435-436
Appointment of Standing Committees and Council Secretaries	436-437
Working of the Bombay Legislative Council under the Reforms	437-480
Appendices	481-560

CHAPTER IX—FINANCIAL—

Evolution of the Meston Settlement (1917-1921)	561-574
Fight against the Meston Settlement (1921-1927)	574-586
The Working of the Meston Settlement	586-604
The Famine Insurance Fund	604-607
Statements and Appendices	608-640

PART II

PROPOSALS

CHAPTER X

CONTENTS

	PAGE
Introductory	1
The Provincial Government	1
Territorial changes	1
The Electorate and the Franchise	2
Representation of the labouring and depressed classes	3
Indirect elections	3
Direct elections in certain constituencies	7
Communal Electorates for the Muhammadans	7
Reservation of seats for the Marathas	10
Strength and composition of the Legislative Council	12
Residential qualification for members of the Legislative Council	14
Privileges of Members of the Legislative Council	15
The Provincial Executive : Transfer of further subjects to the control of Ministers	15
Government of Bombay's opinion on the working of the present system already given in Chapter VIII	16
Safeguards necessary if all departments are transferred to the control of the Legislative Council	16
A unitary Government recommended if all subjects are transferred	16
Powers of certification and veto of Governor	16
A Governor's Council to act as a Second Chamber with full powers of revision	17
Constitution of a Second Chamber of elected and nominated members	17
The Services	18
Emergency powers of the Governor	19
Provincial Public Service Commission	19
Financial Proposals	19
Separation of Audit and Accounts and of Provincial balances	44
Control of the Government of India (Financial)	44

CHAPTER I.—STATISTICAL ACCOUNT

THE BOMBAY PRESIDENCY

1. The Bombay Presidency is divided into four Revenue Divisions a

PHYSICAL FEATURES. 27 districts and includes 377 Indian States of which 151 are in political relations with the Government of Bombay. The Presidency contains tracts of country varying greatly in climate and physical aspects. Of these, the most important are Sind, Gujarat, the Deccan, Karnatak and the Konkan. Sind, or the Lower Valley of the Indus, is the most northerly section of the Presidency. It includes the seven districts of Karachi, Hyderabad, Thar and Parkar, Nawabshah, Larkana, Sukkur and the Upper Sind Frontier; and also the State of Khairpur. It differs widely in physical features and climate, in language, dress and customs of its inhabitants from the rest of the Presidency, from which it is separated by the desert and the sea. The province is dependent for its cultivation on the annual inundation of the Indus with its subsidiary system of canals. In striking contrast to the Sind desert, the plains of Gujarat stand first in the Presidency for richness of soil and density of population. Gujarat contains the districts of Ahmedabad, Kaira, Broach, Surat and the Panch Mahals with numerous States including the State of Baroda which, however, is not in political relations with Bombay. The remainder of the Presidency is divided into high and low level tracts by the rugged line of the Western Ghats or Sahyadris which run parallel to the coast line for many hundred miles. Behind them lie the scantily watered tracts of the Deccan plateau, extending up to Berar and Hyderabad. The Deccan contains the districts of Nasik, Ahmednagar, Poona, Sholapur, Satara, East Khandesh and West Khandesh. South of the Deccan the three districts of Belgaum, Bijapur and Dharwar with the States of Kolhapur and others comprised in the Southern Maratha Country form the tract known as the Karnatak. The Konkan comprises the districts of Thana, Kolaba, Ratnagiri, North Kanara, the Bombay Suburban District, the City and Island of Bombay and the States of Savantwadi, Janjira and Jawhar. The Presidency has a long range of mountains which has a direction from North to South and is watered by several important rivers in Sind, Gujarat, Deccan, and the Karnatak. The coast line of the Presidency is deeply indented by the gulfs of Cutch and Cambay and broken by many bays and creeks; but the only harbours that are sufficiently land-locked to protect shipping during the prevalence of the south-west monsoon are those of Karachi, Bombay, Karwar, Vijayadurg and Marmagosa.

2. The area of the Presidency including Sind but excluding the States is 123,541 square miles and it has a population of 19,348,219 or 156 per square mile, according to the Census of 1921. Its population exclusive of Aden is 19,291,719. The following table shows the area,

AREA AND POPULATION.

population and density per square mile of the several divisions of the Presidency :—

Division	Area in square miles	Population	Density per square mile
Bombay City	24	1,175,914	48,996
Bombay Suburban Division	142	152,840	1,076
Northern Division	13,579	3,718,765	274
Central Division	38,262	6,059,114	158
Southern Division	25,028	4,905,709	196
Sind	46,506	3,279,377	71
Total, British Districts ..	123,541	19,291,719	156

The States in the Bombay Presidency cover an additional area of 63,453 square miles (exclusive of Baroda) and have a population of 7,409,429. Of these the States which are in political relations with the Government of Bombay cover an area of 28,039 square miles and have a population of 3,879,095.

3. The male population of the Presidency of 20 years of age and over was, according to the Census of 1921, 5,522,000; the male literate population of 20 years of age and over was 1,028,000. The figures of literacy among males of 5 and over are 157 per thousand and among females of 5 and over, 27 per thousand. The figures of literacy after 20 and over are 184 and 24 respectively. The figures of literacy in English for all ages and for all districts, according to the Census of 1921, were 233 per ten thousand for males and 43 per ten thousand for females. The figures of literacy for the principal communities were :—

			Per thousand
			Male
Hindus and Animists .. ..	..	..	138
Jains .. ..	..	..	543
Mussalmans .. ..	..	..	88
Parsees .. ..	..	..	787
Indian Christians .. ..	..	..	306
			Female
			169

The figures of literacy in English were as follows :—

			Per thousand
			Male
Hindus and Animists .. ..	..	..	19
Jains .. ..	..	..	54
Mussalmans .. ..	..	..	8
Parsees .. ..	..	..	539
Indian Christians .. ..	..	..	154
			Female
			78

4. According to the 1921 Census there were 103 places classified as towns (including 7 towns which were classed as cities—Bombay, Karachi, Ahmedabad, Poona, Surat, Sholapur and Hubli) in British territory and 136 in the States and Agencies of which 35 are in States in political

URBAN AND RURAL
POPULATION.

relations with the Government of Bombay. The number of towns and villages of various sizes is as follows :—

Under 500	..	..	16,788
500 to 5,000	..	..	9,730
5,000 to 50,000	..	..	204
50,000 and over	..	..	9

Out of its total population of 19,348,219 the Presidency has an urban population of 4,440,248, or 22·9 per cent. as against an urban population of 12·4 per cent. in Madras, 11·3 per cent. in the Punjab, 10·6 per cent. in the United Provinces, 6·7 per cent. in Bengal and 10·2 per cent. in the whole of India. The Presidency has thus the largest urban population in the whole of India. Hindus number 15,149,883 or 76·8 per cent. and the Mussalmans 3,775,098 or 19·6 per cent. of the population. Excluding the Hindus, the more important communities are Mussalmans, Christians and Parsees. The proportion of the Mussalman population varies considerably in different parts of the Presidency. Thus, while in the Karnatak and Gujarat the number of Mussalmans is 11 per cent., it is only 6 per cent. in the Deccan and Konkan Divisions. In Sind, the proportion of Mussalmans for the whole province comes to 73·0 per cent. and ranges between 54·0 per cent. in Thar and Parkar and 90·0 per cent. in the Upper Sind Frontier District. The total Christian population according to the Census of 1921 was 262,620. The Hindus are divided into numerous castes of which the Brahmīns number 695,100, the Marathas, Kunbis and Kolis about 6,852,697 and the Lingayats a little over a million. The depressed classes, which include mostly the Dheds, Mangs, Mahars and Holiyas, number, according to the Census of 1921, 1,478,390 approximately.

5. The main languages of the Presidency are four : Marathi, Gujarati,

LANGUAGES. Kanarese and Sindhi. The Marathi-speaking population is 37 per cent. of the total; Gujarati claims 28 per cent., Kanarese 11 per cent., while 10 per cent. of the population have Sindhi as their mother-tongue. Gujarati and Hindi are the principal languages in the five districts of Gujarat. Thana, the Central Division and the districts of Kolaba and Ratnagiri in the Konkan are the home of Marathi. The Southern Division is divided between Kanarese and Marathi, the former being slightly ahead of the latter numerically. Marathi is most common on the coast. Kanarese extends as far north as the southern part of the Sholapur district, and is spoken by an appreciable number in the south of Satara.

6. According to the 1921 Census, 64 per cent. of the population

MISCELLANEOUS
STATISTICS. is supported by Pasture and Agriculture, and 4 per cent. by Textile Industries. The number of persons employed in the Textile Industry in 1921 was 341,869; the number in all industries was 382,255 approximately.

The total cultivated area of the Presidency is 42,968,000 acres and its land revenue in 1926-27 was Rs. 4,67,00,000. Approximately 15,000 square miles of the Presidency are under forests. The industrial areas

of the Presidency are confined to a few places such as Bombay, Ahmedabad, Sholapur, Hubli and Karachi. Here there are ordinary industries on an extensive scale. In addition, there are smaller factories and works in various other parts of the Presidency. The number of factories, according to the Census of 1921, was 2,439, of which 818 were in connection with the Textile Trade. In Bombay the main industry is that of the Cotton Mills where over $1\frac{1}{2}$ lakhs of operatives are employed in about 88 mills. In addition, there are large engineering works, a number of printing works, flour mills, etc. Ahmedabad and Sholapur are also extensive textile centres employing about 60,000 and 20,000 operatives respectively. The Presidency has a length of over 5,000 miles of railway open for traffic. There has been a very noticeable increase in the number of co-operative societies, as is evidenced by the fact that whereas in the year 1921-22 the working capital of co-operative societies was 435 lakhs and the number of co-operative societies was 3,411, the total working capital in 1926-27 was Rs. 10,26,50.860 and the number of societies 5,091.

CHAPTER II.—THE PROVINCIAL ADMINISTRATION (HEAD-QUARTERS)

(A) THE PROVINCIAL EXECUTIVE

7. At the head of the provincial Executive is the Governor appointed by His Majesty by Warrant under the Royal Sign Manual. The Executive Government has been divided into two halves. The subjects of administration have been classified into Transferred and Reserved, and the Presidency is governed, in relation to reserved subjects by the Governor in Council, and in relation to transferred subjects by the Governor acting with Ministers appointed under the Act. The reserved subjects are administered by the Governor in Council. The Members of the Governor's Executive Council are four in number appointed by His Majesty by Warrant under the Royal Sign Manual. Two of them belong to the Indian Civil Service and two are non-official Indians. One of them must be a person who, at the time of his appointment, has been for at least 12 years in the service of the Crown in India. They ordinarily hold office for five years and their salaries are not at the discretion of the Legislative Council. The Ministers are appointed by the Governor under section 52 of the Government of India Act to administer transferred subjects. The salary of a Minister is the same as is payable to a Member of the Executive Council unless a smaller salary is provided by a vote of the Legislative Council. In this Presidency the salary of a Minister has been fixed by the Legislative Council at Rs. 4,000 since the commencement of the financial year 1923-24. No Minister can hold office for a longer period than six months unless he is or becomes an elected member of the local Legislature. The control of the Legislative Council over Ministers is secured through their salaries being subject to its vote and through its power to refuse supplies asked for by them. The provincial Executive has thus been split up into two parts—the Executive on the reserved half of Government being responsible to the Government of India, the Secretary of State and the Parliament, and that on the transferred side being responsible to the local Legislative Council. There are at present three Ministers in this Presidency administering transferred subjects. One is in charge of Education, one in charge of Forests and Excise and the third in charge of Local Self-government. The Governor apportions work between the Members of his Council and Ministers and effects the necessary co-ordination between the two parts of his Government. He allots portfolios of reserved subjects among the Members of the Executive Council and of transferred subjects among the Ministers, and business in the Governor's Executive Council and with his Ministers is transacted in accordance with rules made by the Governor under section 49 (2) of the Government of India Act. There has been no system of joint responsibility among the Ministers in this Presidency up to now. The distribution of business between the four Members of the Governor's

(The Provincial Executive)

Executive Council and the three Ministers is at present arranged as follows :—

MEMBERS OF COUNCIL

I.—The Honourable Sir Chunilal Vijbhukhandas Mehta, K.C.S.I., M.A., LL.B., J.P.

Finance

All matters allocated to the Finance Department under Part 3 of Devolution Rules ;
 Commerce including Insurance ;
 Income Tax ;
 Coinage ;
 Mints ;
 Currency ;
 Financial Resource ;
 General audit excluding audit of local bodies ;
 Banks ;
 Provincial budget preparation ; estimates and grants ;
 Public and other securities ;
 Taxation, etc.

II.—The Honourable Sir Ghulam Hussain Hidayatallah, Kt., B.A., LL.B., J.P.

Shipping and Navigation ;
 Ports declared to be major ports (Bombay, Karachi and Aden) ;
 Port Quarantine ; Marine hospitals ;
 Light-houses, beacons (excluding those in charge of the Salt Department) ;
 Control of Petroleum and Explosives ;
 Inventions and Designs ;
 Copyright ;
 Emigration ;
 Central agencies for research (excluding Agricultural research) ;
 Archaeology ;
 Census ;
 Water storage and water power (non-irrigational) including hydro-electric surveys ;
 Irrigation canals, Irrigation budgets, etc. ;
 Public Works Department budgets ;
 Industrial matters ; factories, boilers, Gas and Smoke Nuisances, Welfare of Labour and Housing (except development of industries) ;
 Stores and Stationery ;
 Provincial Government Presses, supply of books and publications ;
 Treasure Trove ;
 All matters pertaining to the Bombay Development Department ;
 Industrial Disputes ; relations of capital and labour ; Labour Office ;
 Indian Cotton Ginning and Pressing Factories Act, etc.

*(The Provincial Executive)**Revenue*

III.—The Honourable Mr. J. L. Rieu, C.S.I., I.C.S., J.P.

Naval and Military Works ;

Cantonments (excepting those in Indian States) and appointment of Judicial Officers in cantonments ;

Railways and extra-municipal tramways not classified as provincial ;

Air-craft and matters connected therewith ;

Inland waterways ;

Light-houses, beacons, etc., in charge of the Salt Department ;

Posts, Telegraphs and Telephones ;

Customs, Cotton Excise Duties, Salt, etc. ;

Savings Banks (postal) ;

Trading companies and other Associations ;

Opium, control of cultivation, manufacture, sale for export ;

Geological Survey ;

Mineral Development Control ;

Botanical Survey ;

Survey of India ;

Territorial changes other than intra-provincial ;

Tobacco ;

Land Revenue Administration ;

Famine Relief ;

Land Acquisition ;

Stores ;

Industrial matters, Electricity (control, construction and maintenance) ;

Ports not declared to be major ports ;

Cattle pounds ;

Demarcation of boundaries between British territory and Indian States ; etc.

IV.—The Honourable Mr. J. E. B. Hotson, C.S.I., O.B.E., M.A. (Oxon.), I.C.S., J.P.

Law and Order

Preservation of Law and Order ;

Police ;

Gambling Act and Race-Courses Act ;

Poisons ;

Motor Vehicles ;

Public Conveyances ;

Dramatic Performances and Cinematograph ;

Prevention of Cruelty to Animals ;

Pound and Cattle Trespass ;

Civil Law including laws regarding status, property, civil rights and liabilities, and civil procedure ;

Criminal Law including criminal procedure ;

Administration of Justice including constitution; powers, maintenance working and organisation of all courts of civil and criminal jurisdiction (including courts in cantonment areas) ;

(The Provincial Executive)

Provision of courts and judicial buildings ;
 Appointment of Justices of the Peace ;
 Appointment of Agents of Ruling Chiefs ;
 Administrator General and Official Trustee ;
 Coroners ;
 Bills and Acts other than those dealt with in other departments ;
 Provincial Law Reports ;
 Prisons and Prisoners (excluding State prisoners) ;
 Workhouses and Salvation Army Houses (Reformatories), Prisoners' Aid Societies and Aden Prison Press ;
 Deportation of *ex*-military convicts ;
 Criminal Lunatics ;
 Criminal tribes ;
 Vagrants ;
 Defence of India, naval, military, air and marine ; bearing on internal security ;
 All offences against the State including the Seditious Meetings Act and the Criminal Law Amendment Act, 1908 ;
 Law relating to newspapers, books and publications ;
 Press and Publicity, including Press and Registration of Books Act ;
 Director of Information, Oriental Translator to Government ;
 Sindhi Translator to Government ;
 Political Intelligence ;
 Control of Arms and Ammunition ;
 Censorship—Postal,
 Telegraphic,
 Press ;
 European and Anglo-Indian Education ;
 Reformatories ;
 Appeals in civil and criminal cases from Political Agencies ;
 Legislation including drafting of Bills ;
 Appointment, remuneration, etc., of Public Prosecutors ;
 Appeals against acquittals and applications to enhance sentences ;
 Elections for Indian and Bombay Legislatures, etc.

MINISTERS

I.—The Honourable Mr. Govind Balwant Pradhan, B.A., LL.B., J.P. (Minister of Local Self-government).

Local Self-government (excluding loans to local bodies in Bombay City) ;
 Construction and maintenance of civil buildings (non-residential and residential) ;
 Electric Works ;
 Non-Municipal Water-works ;
 Roads, Bridges, Causeways, Ferries, etc. ;
 Tramways within municipal areas ;
 Light and Feeder railways and extra-municipal tramways, in so far as provision for their construction, etc., is made by provincial legislation.

(The Legislature)

Preparation and execution of sanitary projects such as water supply, drainage, boring, etc., when required to be done by Government agencies or municipalities ;

Civil Veterinary Department ;

Weights and Measures ;

Public Works Department budgets (41, Civil Works—Provincial) and accounts of the Consulting Surveyor's Department ;

Town Planning and Development in municipal areas, etc.

II.—The Honourable Dewan Bahadur Harilal Desaibhai Desai, B.A., LL.B., J.P. (Minister of Education).

Medical Administration ;

Public Health, Sanitation and Vital Statistics ;

Education, including technical education, and excluding agricultural education, Chiefs' Colleges, European, Anglo-Indian Education and Reformatories.

Educational Endowments ;

Religious Endowments ;

Charitable Endowments Act and Rules ;

Development of Industries, Industrial Research ;

Stores and Stationery ;

Libraries and Museums ;

Adulteration of food-stuffs and other articles, etc.

III.—The Honourable Moulvi Rafiuddin Ahmad, Bar-at-Law (Minister of Forests and Excise).

Agriculture ;

Fisheries ;

Co-operative Societies ;

Forests ;

Excise, except opium cultivation, manufacture and sale for export ;

Registration of deeds and documents, etc.

(B) THE LEGISLATURE

8. The Legislative Council of the Governor of Bombay is constituted as provided in Section 72-A of the Government of India Act and consists of (1) four members of the Executive Council *ex-officio* ; (2) 86 elected members ; and (3) 24 members nominated by the Governor. Of the members so nominated, not more than 16 may be officials and 8 must be persons nominated to represent the following classes, namely :—

The Anglo-Indian Community	1
The Indian Christian Community	1
The Labouring Classes	3
The Depressed Classes	2
and	
The Cotton Trade	1

Section 72-A (2) of the Government of India Act lays down that of the members of the Council not more than 20 per cent. shall be official members and at least 70 per cent. shall be elected members, but the full number of official members admissible under the Act has seldom been nominated in this Presidency. Under the Act. the Governor has also

(The Legislature)

the power to nominate not more than two persons as experts for the purposes of any Bill. The franchise for the Legislative Council has been considerably widened under the Reforms, the system of direct representation being introduced. The constituencies of the Bombay Legislative Council are divided into General and Special. A "General Constituency" means a non-Muhammadan, Muhammadan or European Constituency; and a "Special Constituency" means a Landholders', University or Commerce and Industry Constituency. The qualifications of an elector for a general constituency are those based on community, residence and occupation of a building or assessment to income-tax or military service or the holding of land as specified in Schedule II to the Bombay Electoral Rules. The standards of qualifications vary in urban and rural constituencies. The qualifications of an elector for a special constituency are those specified in the case of that constituency in Schedule II to the Bombay Electoral Rules. The present constitution of the Bombay Legislative Council is as under :—

<i>Ex-officio</i>				
Members of the Executive Council	..	..	..	4
<i>Elected</i>				
Non-Muhammadan Constituencies, Urban	..	..	..	11
Non-Muhammadan Constituencies, Rural	..	..	..	35
Muhammadan Constituencies, Urban	..	..	..	5
Muhammadan Constituencies, Rural	..	..	..	22
Europeans	..	..	..	2
Landholders	..	..	..	3
University	..	..	..	1
Commerce and Industry	..	..	..	7
Total elected				86
<i>Nominated</i>				
Non-officials	..	..	..	9
Officials	..	..	..	15
Grand Total				114

The proportion of the population who are voters and the proportion of the voters who actually voted at each of the general elections of 1920, 1923 and 1926 are shown below :—

Year	Population over 20 at Census of 1921	Number of Voters	Percentages of column 3 to column 2	Number who polled	Percentage of column 5 to number of voters in constituencies where the election was contested	Number of seats
1920 ..	10,467,150	548,413	5.24	88,824	18.88	86
1923 ..	....	630,478	6.02	242,000	39.1	86
1926 ..	....	778,321	7.43	303,799	40.55	86

(The High Court)

The President and Deputy President of the Legislative Council are elected by the Council subject to approval by the Governor. [Section 72-C (1) and (2).] Their salaries are fixed by Acts of the Local Legislature. The President receives a salary of Rs. 3,000 per mensem and is not at liberty to hold any other office or to do any other business. The Deputy President receives a salary calculated at the rate of Rs. 500 per mensem in respect of any period during which he is engaged on work connected with the business of the Legislative Council. These offices are at present held by the Honourable Mr. Ali Mahomed Khan Dehlavi, Bar-at-Law (President), and Rao Bahadur S. T. Kambli, B.A., LL.B. (Deputy President).

(C) THE HIGH COURT

9. Under the Government of India Act, the High Court of Bombay consists of a Chief Justice and as many Judges not exceeding twenty, as His Majesty thinks fit to appoint. At present there are a Chief Justice, seven permanent Puisne Judges and two temporary additional Judges. The eighth Judge was made permanent in July 1923 and the additional 9th and 10th Judges have been in existence, save for brief intervals, since June 1923 and November 1924 respectively, and under existing orders will continue up to the commencement of the High Court's summer vacation of 1929.

Under section 101 (4) of the Government of India Act, 1915, one-third of the permanent Judges (inclusive of the Chief Justice) of the High Court must be Barristers and Advocates as defined in section 101 (3-a) and one-third must be members of the Indian Civil Service.

The High Court exercises an original jurisdiction (civil and criminal), and an appellate jurisdiction (civil and criminal). Under its original civil jurisdiction, all suits arising within the limits of the city of Bombay are tried by Judges sitting on the Original Side, except that money suits up to a value of Rs. 2,000 are tried in the Small Cause Court. On the criminal side, cases committed by Presidency Magistrates within the city of Bombay are tried at the High Court Sessions. The Appellate Side is concerned with the hearing of Original Side appeals, mofussil civil appeals and mofussil criminal appeals.

Administrative matters involving important questions of policy are considered by all the Judges. As regards other matters, however, the work on the Original Side, i.e., work pertaining to the High Court itself, is dealt with by the Chief Justice and that on the Appellate Side by one of the Judges belonging to the Indian Civil Service who is called the Administrative Judge.

Candidate Subordinate Judges are appointed by Government on the recommendation of a Selection Committee appointed by the Chief Justice, and the latter is also consulted in regard to the filling of all judicial appointments and the postings and transfers of judicial officers.

The Sind Chief Court

10. It has recently been decided that a Chief Court should be established for Sind and the Sind Courts Act, 1926 (Bombay Act VII of 1926), was passed to give effect to this decision. Section 4 of that Act provides that

(The Sind Chief Court)

the Chief Court shall consist of a Chief Judge and three or more Judges who shall be appointed by the Governor General in Council and shall hold office during his pleasure. The Chief Judge and Judges must each be either (a) a Barrister of not less than 5 years' standing; or (b) a member of the Indian Civil Service of not less than 10 years' standing and having for at least three years served as or exercised powers of a District Judge; or (c) a person having held a judicial office not inferior to that of a Subordinate Judge or a Judge of the Small Cause Court for a period of not less than 5 years; or (d) a person who has been an Advocate or pleader of any court which is a High Court within the meaning of clause 22 of section 3 of the Bombay General Clauses Act, 1904, for an aggregate period of not less than 10 years; provided that the Chief Judge and Judges counted together must include not less than two such Barristers, Advocates or pleaders and not less than two members of the Indian Civil Service. Section 8 of the Act provides that the Chief Court shall be the highest Civil Court of appeal and revision and the highest court of criminal appeal and revision for Sind and the principal Civil Court of original jurisdiction for the Civil District of Karachi and shall be the court of sessions and shall exercise the powers and perform the duties of a Sessions Judge in the sessions division of Karachi. Under section 9 it is also to be the Court of Appeal from all decrees and orders passed by subordinate courts in the Civil District of Karachi from which an appeal lies under any law for the time being in force. Under section 17 the general superintendence, direction and control over all court subject to its appellate jurisdiction is vested in the Chief Court which also has power, with the sanction of the Governor in Council, to admit proper persons to be advocates, pleaders and attorneys in any court in Sind and to remove or suspend from practice for misbehaviour any persons so admitted. Owing to financial stringency it has not, however, yet been possible to bring this Act into operation. At present the administration of justice and the appellate and revisional jurisdiction of the Province of Sind is entrusted to the Court of the Judicial Commissioner of Sind. It is the highest Court of Appeal in Civil and Criminal matters in that Province and is also the District Court and the Court of Session of Karachi. The Judicial Commissioner's Court consists at present of one Judicial Commissioner and three Additional Judicial Commissioners. Under the Sind Courts Act, one of the additional Judicial Commissioners is required to be a Barrister of not less than 5 years' standing. The appointments of the Judicial Commissioner of Sind and the Additional Judicial Commissioners are made by the Governor of Bombay in Council. The Judicial Commissioner's Court has general control over all the Courts in Sind which are subject to its appellate jurisdiction and has power, with the sanction of the Local Government, to make rules for the supervision of the working of such Courts and for their inspection. It is also competent to make rules, with the sanction of the Local Government, for the qualification and admission of pleaders in any Court in the Province of Sind, and to remove or to suspend from practice any pleader for misbehaviour. The High Court of Bombay has no jurisdiction over the province of Sind,

(The Secretariat)

but this does not affect the Administrator General's Act (III of 1913) or invalidate the grant of Probate or Letters of Administration made by the High Court. Criminal jurisdiction over European British subjects residing in Sind was taken from the Bombay High Court and vested in the Judicial Commissioner's Court by the Code of Criminal Procedure, as amended in 1923.

(D) THE SECRETARIAT

11. The Secretariat is organised into seven departments, each under a Secretary to Government, besides the Development Department which has been temporarily created for the development of the City of Bombay and the Suburban Areas. The distribution of business among these departments is as follows:—

Political Department.

Relations with States in India ;
 Indian States Successions, tributes, forces, coinage, extradition, convicts, process serving, treasure trove, securities, famine ;
 In Indian States: railways, telegraphs, telephones, mining concessions ;
 Administration in States under management ;
 Public Works in Agency areas ;
 Budgets of Agency areas ; local funds and certain states ;
 Political officers and their establishments ;
 Boundary disputes involving Indian States ;
 Excise agreements ;
 Political prisoners ;
 Guaranteed loans and securities of Indian States ;
 Supply of arms to Indian States police, control of arms on railways in Indian States ;
 Appeals in political cases ;
 Appeals in civil and criminal cases from political agencies ;
 Political pensions ;
 Deccan and Gujerat Sardars ;
 Ceremonial ;
 Chamber of Princes ;
 Saranjams ;
 Toshakhana ;
 Consular officers ;
 Naturalisation ;
 Passports ;
 Extradition of foreigners ;
 Admission of foreigners into and deportation of foreigners from British India ; Foreign Missionaries in India ;
 Licenses for export of arms and ammunition to foreign places within and without India ;
 Slave Trade ;
 Goods imported for the Amir of Afghanistan ;
 Chiefs' Colleges ;
 Claims to property in Russia ;
 Inter-provincial migration.

*(The Secretariat)**Finance Department*

All matters covered by Parts VII-A and VIII (Civil Services in India) of the Government of India Act ;

All matters allocated to the Finance Department under Part III of the Devolution Rules ;

Income Tax ;

Coinage ;

Mints ;

Currency ;

Loans to local bodies in Bombay City ;

Financial resource ;

Takavi ;

General audit excluding audit of local bodies ;

Banks ;

General account questions and treasury procedure ;

Appropriation reports ;

Provincial budget preparation ;

Public and other securities ;

Taxation ;

Civil Service Regulations, Fundamental Rules and Subsidiary Rules ;

Provident and Family Pension Funds ;

General revisions of establishments ;

Secretariat establishments ;

Expenditure in connection with Government Houses ;

Associations of Government servants ;

Statistics ;

Commerce including insurance ; etc.

Revenue Department

Posts, Telegraphs and Telephones ;

Customs and Salt ;

Savings Bank (Postal) ;

Trading companies and other associations ;

Opium, control of cultivation, manufacture, sale for export ;

Geological Survey ;

Mineral development control ;

Botanical Survey ;

Survey of India ;

Territorial changes ;

Land Revenue Administration ;

Famine Relief ;

Agriculture ;

Civil Veterinary Department ;

Fisheries ;

Co-operative Societies ;

Forests ;

Land Acquisition ;

Excise ;

(The Secretariat)

Stamps ;
Registration of Deeds and Documents ;
Religious endowments ;
Mineral resources ;
Ports not declared to be major ports ;
Pounds, prevention of cattle trespass ;
Tobacco ;
Merchandise Marks Act ;
Transport of Troops ;
Hill Stations ;
Cantonments ;
Demarcations of boundaries between British territory and Indian States ; etc.

Home Department

Preservation of Law and Order ;
Police, City, District, Railway and Village, but excluding Police of the Kathiawar Agency, King's Police Medal ;
Gambling Act and Race-Courses Act ;
Poisons ;
Motor Vehicles ;
Public Conveyances ;
Reformatories ;
Prevention of Cruelty to Animals ;
Pound and Cattle Trespass ;
Civil Law including laws regarding status, property, civil rights and liabilities and civil procedure ; administration of justice including constitution, powers, maintenance, working and organisation of all courts of civil and criminal jurisdiction including courts in cantonment areas ;
Provision of courts and judicial buildings ;
Appointment of Justices of the Peace ;
Appointment of Agents of Ruling Chiefs ;
Administrator General and Official Trustee ;
Coroners ;
Bills and Acts not pertaining to other departments ;
Provincial Law Reports ;
Prisons and prisoners excluding State prisoners ;
Work-houses, Salvation Army Houses (Reformatories), Prisoners' Aid Societies and Aden Prison Press ;
Deportation of *ex-military* convicts ;
Criminal lunatics ;
Criminal Tribes ;
Vagrants ;
Ecclesiastical Administration (including European cemeteries) ;
Defence of India : Naval, Military, Air and Marine : bearing on internal security ;
Reports of unusual occurrences, riots, etc.
All offences against the State including the Seditious Meetings Act ; and the Criminal Law Amendment Act of 1908 ;

(The Secretariat)

Law relating to newspapers, books and publications ;
 Press and publicity including Press and Registration of Books Act ;
 Director of Information, Oriental Translator to Government, Sindhi
 Translator to Government ;
 Political Intelligence ;
 Control of Arms and Ammunition ;
 Censorship { Postal ;
 Telegraph ;
 Press ;
 European and Anglo-Indian Education ;
 Dramatic performances and Cinematograph, etc.

General Department

Shipping and Navigation ;
 Ports declared to be major ports (Bombay, Karachi, Aden) ;
 Port Quarantine, Marine Hospitals ;
 Light-houses, beacons (excluding those in charge of the Salt
 Department) ;
 Control of Petroleum and Explosives ;
 Inventions and Designs ;
 Copyright ;
 Emigration ;
 Archæology ;
 Zoological Survey ;
 Meteorology ;
 Census ;
 Haj Pilgrimage ;
 Local Self-government ;
 Water supply (boring, etc.) ;
 Town Planning and Development in municipal areas ;
 Medical Administration ;
 Public Health, Sanitation and Vital Statistics ;
 Registration of Births, Deaths and Marriages ;
 Education (including technical education but excluding agricul-
 tural education, Chiefs' Colleges, European and Anglo-Indian
 Education and Reformatories) ;
 Educational Endowments ;
 Charitable Endowments Act and Rules ;
 Rescue Work ;
 Industrial matters, factories, boilers ; gas and smoke-nuisances ;
 Welfare of labour and housing (excepting development of industries) ;
 Weights and measures ;
 Adulteration of foodstuffs, etc. ;
 Stores and stationery ;
 Provincial Government Presses ;
 Supply of books and publications ;
 Libraries and museums ;
 Observatories, earthquakes, floods, eclipses, and fire ;
 Provincial gazetteers, memoirs and statistics ;

(The Secretariat)

Preservation of ancient manuscripts ;
 Treasure trove ;
 Consulting Surveyor's Department ;
 Appointment and leave of Governors, Members of Council and Ministers ;
 Industrial disputes, relations of capital and labour ; Labour Office ;
 Indian Cotton Ginning and Pressing Factories Act ;
 Education in Aden ;
 Village water supply and boring ; etc.

Legal Department

Elections for Indian and Bombay Legislatures ;
 Drafting and other technical matters relating to legislation in the Bombay Legislative Council ;
 Matters connected with the Bombay Legislative Council and the Indian Legislature ;
 Appeals against acquittals and applications to enhance sentences ;
 Appointments, remuneration, etc., of Public Prosecutors ;
 Conduct of Civil litigation to which Government is a party, and appointment, remuneration of Presidency Law Officers, Government Pleaders and Special Counsel ;
 Revision of compilations and reprinting of Acts ;
 Rules of Business under section 49 of the Government of India Act.

Public Works Department

Naval and Military Works ;
 Railways and extra-municipal tramways not classified as provincial ;
 Air-craft and matters connected therewith ;
 Inland waterways ;
 Construction and maintenance of Civil buildings (non-residential and residential) ;
 Electric works ;
 Non-municipal water works ;
 Roads, bridges, causeways, ferries, etc. ;
 Tramways within municipal areas ;
 Light and Feeder Railways and extra-municipal tramways (in so far as provision for their construction, etc., is made by provincial legislation) ;
 Preparation and execution of sanitary projects such as water-supply, drainage, borings, etc., when required to be done by Government agency for municipalities ;
 Water storage and water power (non-irrigational) including hydro-electric surveys ;
 Irrigation canals, Irrigation budgets, etc. ;
 Industrial matters, electricity (control, construction and maintenance) ;

The Secretaries are Secretaries to Government as a whole and not Secretaries to any particular Member of Council or Minister. The procedure for the submission of cases by Secretaries is regulated by the Rules of Business made under section 49 of the Government of India Act.

CHAPTER III.—GROWTH OF EDUCATION

GENERAL STATISTICS

12. The Bombay Presidency stands third among the presidencies in point of literacy, Bengal and Madras being ahead

LITERACY. of Bombay so far as literacy among the male population is concerned. Bombay has 157 literate males per thousand of the male population of five years of age and over, as against 181 in Bengal and 173 in Madras. Literacy among women is, however, higher in Bombay than in any other presidency, there being 27 literate females per thousand of the female population of five years of age and over as compared with 21 in Bengal and 24 in Madras. Literacy within the presidency varies considerably in extent among the different classes of the population and in the different parts of the presidency. According to areas, Bombay City stands first with 241 literate persons per thousand of the population. Gujarat comes next with 136 per thousand, the Konkan 62 per thousand, the Deccan 63 per thousand, the Karnatak 75 per thousand, and Sind comes lowest with 55 per thousand. The extent of literacy is, as one would naturally expect, very much higher in the urban areas than in the surrounding rural areas. Ahmedabad City had 242 literate persons per thousand of the population as against 103 in the rest of the Ahmedabad district; Surat City had 324 as against 275 in the rest of the district; Sholapur City had 125 as against 40 in the rest of the district; Karachi City 198 as against 30 in the rest of the district; Hyderabad City 250 as against 43 in the rest of the district. The far greater extent of literacy in the urban areas of the presidency, coupled with the fact that the Bombay Presidency has a larger urban population (nearly 23 per cent.) than any other presidency, is a consideration of some importance from the point of view of the capacity of the people for local self-government.

13. The figures of literacy among Hindus are apt to be somewhat misleading, as they give the proportion worked out on the total Hindu population which includes very large numbers of backward and depressed classes. The differences in point of literacy between the various castes of Hindus are very striking, the extent of literacy being as high as 700 per thousand males among some classes of Brahmins, and as low as 23 per thousand among the Mahars. Some interesting figures will be found on pages 120-1 of Volume VIII, Part II of Census of India, 1921 :—

Literacy per mille

	Male	Female
Marathas (Satara, Ratnagiri)	50	2.5
Mahars (Central Division)	23	1.2
Kadava and Lova Kunbi (Ahmedabad, Kaira, Broach) ..	404	62
Lingayats (Dharwar)	231	15
Holiya (Karnatak)	11	1.5
Mussalmans (Broach) (page 111)	348	20
Mussalmans (Ahmednagar) (page 111)	185	20
Mussalmans (Larkana) (page 112)	22	3.2

Generally the cultivating classes in the Deccan, Konkan and Karnatak and the Mussalmans of Sind are backward. Gujarat is considerably in

(General Statistics)

advance of the rest of the Presidency, *e.g.*, the total literacy for all religions in the Broach district is 161 as compared with 46 in Satara. Literacy, for purposes of the census, means ability to read and write in any language.

14. Educational institutions are divided, according to the curriculum which they follow, into (1) Primary Schools, the instruction in which is wholly in the vernacular, the course being one of eight years; (2) Secondary Schools with a seven years' course leading up to the School Leaving Examination for purposes of matriculation or Government service; (3) Colleges; (4) Special institutions which include all those not covered by the first three, such as technical and industrial schools, training institutions for teachers, schools of art, etc.

15. Before dealing in detail with the present position of the presidency as regards primary, secondary, collegiate and special education, it may be desirable to give some general statistics as regards education as a whole. In the year 1926-27 the total number of educational institutions in the presidency was 16,211 and the total number of pupils receiving instruction 1,148,714 as compared with 15,214 institutions and 949,827 pupils in 1920-21. During the last seven years, there has been an increase of 6·6 per cent. in the number of institutions and of 20 per cent. in the number of pupils receiving instruction.

16. At the end of the year 1926-27, out of a total of 26,731 towns and villages in the presidency, 10,244 had schools, the average area served by each town or village with a school being 12·1 square miles. The percentage of male scholars under instruction in all kinds of institutions to the total male population was 9·1 in 1926-27 as against 7·1 in 1920-21. The percentage of girls under instruction to the total female population was 2·43 in 1926-27 as against 2·0 in 1920-21.

17. The number of pupils belonging to each of the communities specified below receiving instruction in 1926-27 in recognised institutions was as follows:—

Name of community	Total population	Number of pupils receiving instruction
Hindus	15,149,883	867,726
Muhammadans	3,775,098	187,919
Indian Christians	220,675	32,034
Parsoes	82,696	17,641
Europeans and Anglo-Indians	41,945	4,819
Sikhs	8,814	925
Buddhists	1,778	14

(General Statistics)

18. The total expenditure on public instruction in 1926-27 was 3,81·5 lakhs. It was met as follows:—

EXPENDITURE.	lakhs.	
Government funds..	..	51·9 per cent.
Local Bodies and Municipal funds	..	18·7 „
Fees ..	..	17·4 „
Other sources	..	12·0 „

Of the expenditure of 3,81·5 lakhs in 1926-27 primary schools alone absorbed over 1,98·5 lakhs exclusive of expenditure on inspection and construction and repairs of buildings. Appendix A shows the expenditure from provincial revenues for the years 1920-21 and 1925-26 and its distribution under various heads. For purposes of comparison the year 1925-26 has been taken as the latest year as figures are not at present obtainable for subsequent years.

19. During the five years from 1920-21 to 1925-26 the number of recognised institutions increased by 653 or 4·8 per cent., while the number of pupils receiving instruction in them rose by 132,000 or nearly 15 per cent. A comparative statement showing the increase in the number of institutions and pupils in the various stages of instruction during the period is given in Appendix B. The total expenditure on education from all sources during these five years increased from Rs. 2,63,42,659 to Rs. 3,76,45,012—an increase of 42·9 per cent. During the same period the expenditure on education from Government funds alone increased from Rs. 1,49,10,070 to Rs. 1,94,78,805—an increase of 30·6 per cent. In 1920-21 the educational expenditure of Government was 11 per cent. of its total expenditure; in 1925-26 it was 11·9 per cent.

20. The control of Government over public instruction of all kinds is exercised through the Director of Public Instruction, except that Government deal directly with the University in matters of higher education. The Director exercises control over all Government colleges, Arts and Professional (except Agricultural and Medical, which are controlled by their respective departments) and Government High Schools and technical schools. He advises Government on University matters and is also responsible for the general administration of primary schools, i.e., for the award of grants to Local Authorities, inspection, curricula, etc.

21. The statistics quoted above give a general idea of the extent of ARRANGEMENT OF education and literacy among the population as THE MATERIAL. a whole. In the following paragraphs an account is given of the educational work now being done and of the growth of education in the presidency mainly during the period subsequent to the introduction of the Reforms, i.e., from 1920-21 onwards. The growth of

(Primary Education)

education in the presidency has been dealt with under four main heads—primary education, secondary education, collegiate education and special education. The question of female education and of the education of Muhammadans and the backward classes has been dealt with in separate chapters. European education, which is a reserved subject, administered not by the Minister for Education but by the Home Member, is dealt with in a separate chapter.

PRIMARY EDUCATION

22. In this presidency “primary education” is defined as education given wholly through the vernaculars in any of the prescribed vernacular standards. There are five recognised vernaculars for this presidency—Marathi, Gujarati, Kanarese, Sindhi and Urdu. Government have recently decided to recognise Hindi as a vernacular for purposes of instruction in primary schools in the case of those pupils whose mother-tongue it is.

23. The passing of the Primary Education Acts of 1918, 1920 and 1923 were perhaps the most important events in the history of primary education in this presidency during the last 30 or 40 years. The Bombay Primary Education Act of 1923 was passed with the object of carrying out the recommendations of a committee appointed by Government to consider the question of compulsory education. It provides the machinery necessary for the working of a scheme of compulsory elementary education by a local authority and for improved arrangements for the provision of primary education. The Act provides for the appointment of a school board for each district local board and for each municipality which desires and is considered fit to manage its own schools. As the educational staff of some of the minor municipalities is small, the Act provides for the management of their primary schools by the district local boards of the districts in which the municipalities are situate. Such minor municipalities are entitled to representation on the school boards. The election is made by the Local Authority. The school boards also include members elected by the local authorities representatives of minorities, persons experienced in education, women and Government nominees. It is open to a local authority to declare by resolution its intention to provide compulsory elementary education in any part of the area subject to its jurisdiction. If the local authority is a district local board, this area includes the area within the jurisdiction of municipalities in the district which are not authorised to manage their own schools. A proposal by a local authority to provide compulsory education has to be submitted to Government in the form of a scheme. If the scheme is sanctioned, Government bears half of the additional cost of the scheme if the local authority is a municipality, and two-thirds of such additional cost if the local authority is a district local board. In the case of a local authority which does not prepare such

(Primary Education)

a scheme if called upon to do so or fails to bring a scheme into operation or to keep it in operation, it is open to Government to have a scheme prepared or brought into operation or kept in operation. The scheme, when sanctioned, is worked by the school board. There was considerable delay in bringing the Act into operation, mainly owing to the time taken in framing rules under the Act and the fact that elections under the new Local Boards Act (1923) were to take place in most of the districts in the latter part of 1924-25 and it was considered undesirable to transfer the management of primary education to bodies which would remain in office for a few months only. During the year 1925-26, 12 out of the 27 district local boards took over the control of primary education in accordance with the terms of the Act, and by the end of the year 1926-27 all the district local boards in the presidency with the exception of 4 in Gujarat and 1 in Sind accepted the powers and responsibilities with which the Act invests them.

24. The system which the Primary Education Act has replaced goes back many years. In 1860 Government decided to create a local fund by means of special taxation and to devote its proceeds to local objects such as public works and education. This special taxation took the form of a cess of one anna on every rupee of land revenue. In 1863, it was decided that not less than one-third of this cess should be devoted to primary education and it was from the proceeds of this cess supplemented by grants from Government that primary schools in rural areas were maintained. For some years there was a fixed contribution from provincial revenues of a little over 2½ lakhs. This was subsequently increased and Government agreed to meet one-third of the total cost incurred by the district local boards on primary education. The proportion was raised to one-half in 1903. As the local fund cess increased very slowly the cost of all further expansion of primary education had to be met from provincial revenues. By 1921 the grants from Government to district local boards had increased to nearly 59 lakhs or 87 per cent. of the total expenditure of the boards on primary education.

Under the provisions of the Primary Education Act, 1923, Local Authorities are to receive grants from Government equal to those in the year in which the Act came into operation, but will have to provide one-third of all additional expenditure from their own resources. Powers have been given to the boards to levy additional taxation for their educational purposes, and 17 district local boards in the presidency have already levied an additional cess of one anna in the rupee of land revenue. The levying of additional taxation by the district local boards involves Government in a liability of twice the amount raised by additional taxation.

25. The most important changes resulting from the passing of the Primary Education Act have been in the system of management of primary schools and in the

EXPENDITURE ON
ACCOUNT OF PRIMARY
EDUCATION HOW MET.

MANAGEMENT OF
PRIMARY SCHOOLS.

(Primary Education)

liability for additional expenditure. Prior to the passing of the Act the primary schools of district local boards were managed by the Government Educational Department through the agency of its inspecting officers. The Deputy Educational Inspector was to all intents and purposes responsible for the maintenance of the schools, and, although in recent years the district local boards have taken considerably more interest in primary education, their powers of management were restricted. Under the new Act each district local board has to appoint a school board which is generally responsible for the administration of primary education within the district subject to the control of the district local board. An administrative officer appointed by the district local board after considering the suggestions, if any, of the school board, and with the approval of Government, is the chief executive officer of the school board. He is responsible to the board and not to Government. The functions of Government are limited to seeing that the boards carry out their duties in accordance with the provisions of the Act. Each board maintains a staff of supervisors and Government retain only a small inspecting staff whose functions are largely advisory. Government, however, continue to maintain some check on expenditure. Scales of pay and the estimated cost of schemes of expansion have to be approved by Government. The accounts of each district local board are audited annually to ensure that Government grants are paid only on items of expenditure which are admissible under the rules. Since the passing of the Act, schemes for the expansion of primary education involving an extra annual cost to Government of a little over 4 lakhs of rupees have been sanctioned. The sanctioned schemes involve the opening of new schools with an additional staff of teachers. The sanctioning of these schemes coupled with the full effect of the introduction of compulsory primary education in the 'F' and 'G' wards of Bombay City and the speeding up of the normal increase in the number of pupils in primary schools has resulted in raising the percentage increase in the number of pupils in primary schools as compared with the year 1920-21 from 14 per cent. in 1925-26 to 22 per cent. in 1926-27.

26. Even before the passing of the Bombay Primary Education Act

FREE AND COMPUL-
SORY EDUCATION.

of 1923, provision had been made for the introduction of compulsory primary education by the Bombay Primary Education (District Municipalities) Act of 1918 which authorised municipalities to prepare and submit for the approval of Government schemes for the introduction of compulsory education within their limits. Under that Act sanction was given to the six municipalities of Bandra, Satara, Surat, Dhulia, Dakore and Byadgi to make primary education compulsory. In the case of Dakore the notification regarding compulsory education was subsequently cancelled at the request of the municipality. In the remaining five municipalities compulsory primary education continues to be in force. In the municipalities of Bandra, Surat and Dhulia, primary education is compulsory for both boys and girls; in Satara and Byadgi for boys

(Primary Education)

only. The Bombay Municipality has its own scheme of compulsory education sanctioned under a separate Act—the City of Bombay Primary Education Act, 1920. The Act empowers the municipality to introduce free and compulsory primary education in the city as a whole or in any ward or part of a ward. In November 1925 free and compulsory education was introduced in two wards—F and G—of the city. These two wards comprise an area of 13·2 square miles out of a total area of 24 square miles for the whole City of Bombay. By introducing compulsion in these two wards, the Municipal Corporation has tried to solve the most difficult part of the problem of illiteracy in the city. The area in which compulsion has been introduced comprises more than half the total area of the city and forms also the portion in which poverty, backwardness and illiteracy most prevail. There are about 60 mills in these two wards, and the population is almost wholly composed of mill workers and their families. The average number of children attending school per thousand of the population works out to 113 for the five municipalities other than Bombay City. This is an increase of 43 per thousand over the attendance prior to the introduction of compulsion. In the criminal tribes settlements in which compulsion is rigidly enforced, the number of children attending school was 196·2 per thousand of the population. The introduction of free and compulsory primary education under the provisions of the Bombay Primary Education Act of 1923 has recently been sanctioned in the case of the following municipalities :—

Ahmednagar,

Sholapur (in certain portions of the municipal area only),

Nasik, and

Broach.

The Nasik Municipality has since decided not to introduce compulsory elementary education but to proceed with expansion of primary education on a voluntary basis.

POLICY OF GOVERNMENT WITH RESPECT TO EXPANSION OF PRIMARY EDUCATION.

27. Government have recently considered the policy to be adopted by them in the matter of expansion of primary education, and have decided that—

(1) schemes for the expansion of primary education on a voluntary basis submitted by district local boards on or after the 1st April 1927 should contain provision for the introduction of compulsory elementary (i.e., lower primary) education equal to at least one-third of the total cost of each scheme ;

(2) schemes for the expansion of primary education submitted by municipalities which are local authorities should invariably be for the introduction of compulsory elementary education ;

(3) care should be taken to see that any additional funds which can be made available for schemes of expansion of primary education are, as far as possible, equitably distributed among all parts of the

(Primary Education)

presidency and that local authority municipalities, which, being compact areas, are in a position of advantage as compared with district local boards in preparing and submitting such schemes, should not monopolise all or most of the available funds.

Since the passing of the Primary Education Act of 1923, Government have provided for primary education in the presidency, excluding Bombay City, an additional recurring allotment of Rs. 24 lakhs out of which nearly Rs. 20 lakhs have been allotted for purposes other than expansion, such as revision of pay of primary teachers. A little over Rs. 4 lakhs only out of the total extra provision of Rs. 24 lakhs has been used for schemes for expansion. It is understood that a number of local bodies have drawn up further schemes of expansion which, if sanctioned, would involve Government in a recurring additional liability of Rs. 17 lakhs annually. The finances of the presidency are at present much straitened partly on account of the gradual loss of excise revenue during the last few years, and in order to avoid any possible misunderstanding and disappointment on the part of local bodies which have prepared schemes of expansion, Government issued a Press Note in October 1927 explaining the present financial position of the presidency and making it clear that it will be impossible for them to provide additional funds for schemes of expansion for some years to come, unless the legislature provides the necessary funds by fresh taxation.

Notwithstanding this warning to local authorities, efforts were made to make some additional provision in the current financial year for the expansion of primary education, and it is satisfactory to note that an extra amount of Rs. 5,47,000 has since been provided in the educational budget for that object, thus bringing the total provision for the introduction of the scheme formulated by the Compulsory Primary Education Committee to Rs. 15 lakhs.

28. The total number of primary schools for boys and girls in this presidency at the end of the year 1925-26 was 13,448 and the number of students attending them 913,168. In the year 1920-21 the number of schools was 12,826 and the number of students 801,155. During the five years there was thus an increase of 4·8 per cent. in the number of schools and of 14 per cent. in the number of students. The latest figures quoted above are for the year 1925-26, as complete statistics about the increase in the number of primary schools during the year 1926-27 are not yet available. The total number of pupils in primary schools at the end of the year 1926-27 was 1,050,087 representing an increase of 31·1 per cent. over the figures of 1920-21. The sudden increase of 17 per cent. during the last year is due to the fact that several schemes for the expansion of primary education and for the introduction of compulsory education have been introduced over large areas during this period. A statement showing the total number of boys and girls attending primary schools from 1904-05 to 1926-27 is appended (*vide* Appendix C).

FIGURES OF EDUCATIONAL INSTITUTIONS AND STUDENTS.

(Primary Education)

Of the total number of schools in 1920-21, 69·8 per cent. were local board, 7·7 per cent. municipal, 21·2 per cent. aided private schools, 1 per cent. unaided private schools, and ·3 per cent. Government schools. In 1925-26; 69·6 per cent. were local board schools, 11·2 per cent. municipal, 18 per cent. aided private schools, ·9 per cent. unaided and ·3 per cent. Government schools. The number of municipal schools has increased appreciably during the period, the increase being largely due to the introduction of compulsory primary education.

The primary school course covers a period of eight years and consists of the Infant class and 7 standards. The Infant class and standards I to IV form the lower primary stage, or elementary stage and standards V to VII the upper primary stage of instruction. In 1925-26 out of the 913,168 students receiving instruction in primary schools, 91·6 per cent. were in the lower primary stage and only 8·4 per cent. in the upper primary stage. Of those in the lower primary stage, 30·9 per cent. were in the infant class. On an average each primary school for boys served an area of 10·3 square miles in 1925-26 and there was one school for every 2·2 villages. The figures of the male population under instruction in primary schools rose from 63·5 per thousand in 1920-21 to 72 per thousand in 1925-26.

29. The total expenditure on primary education increased from Rs. 1,27,21,451 in 1920-21 to Rs. 1,81,02,156 in 1925-26 (*vide* Appendix F). The expenditure on primary education in the year 1925-26 formed over 48 per cent. of the total expenditure on education during that year.

30. Only a very small proportion of the amount spent on primary education is recovered in the shape of fees. In 1925-26 the amount so recovered in the case of primary schools for boys formed only 3·3 per cent. of the expenditure. Government and district local board schools observe the rule that no child should be kept away from school by inability to pay fees. The children of persons paying local fund cess are admitted at reduced rates. The average annual fee per pupil in primary schools according to different classes of schools is:—

			Rs. a. p.
Government schools	..	..	0 7 11
District local board schools	..	..	0 6 8
Municipal schools	..	..	0 8 9
Aided schools	..	..	2 1 1
Unaided schools	..	..	3 6 2

Out of 157 municipalities in the presidency, 49 have made primary education free and 10 have made it free and compulsory. In Sind, all pupils in local board primary schools are admitted free.

(Primary Education)

31. The teachers employed in primary schools are divided into three classes : (1) trained teachers who have been specially trained in the Government training colleges for teachers ; (2) qualified teachers who are not trained but have passed the vernacular final qualifying examination ; and (3) unqualified teachers. Trained teachers are again divided into three classes—those who have received the full course of three years ; those who have received only two years' training ; and those who have received only one year's training.

In 1920-21 the total number of teachers—both male and female—in primary schools of every kind was 28,650. In 1925-26 it was 32,976. In 1920-21, 43·6 per cent. of the teachers in primary schools were trained men ; in 1925-26, 50·4 per cent. were trained. The rules under the Bombay Primary Education Act, 1923, aim at a minimum of 50 per cent. of the teachers being trained men. This percentage has been already exceeded in the case of Government, local board and municipal boys' schools, the present average of trained teachers in such schools being 60 per cent.

32. The figures given in the preceding paragraphs about the number of children attending primary schools cannot, however, be taken as giving an altogether correct idea of the real expansion of primary education in the presidency. They do not take into account the wastage which occurs in primary schools owing to the fact that over 85 per cent. of the pupils studying in such schools do not complete even the fourth vernacular standard and quickly relapse into illiteracy. An examination of the figures of the distribution of children in the different standards of primary schools shows that in 1925-26 90·4 per cent. of the boys and 96·1 per cent. of the girls were in the lower primary stage (i.e., infant class and standards I to IV), while only 9·6 per cent. of the boys and 3·9 per cent. of the girls were in the upper primary stage (standards V to VII). A comparison of the number of children in the infant class of primary schools in any one year with the number passing the fourth standard five years later shows that only 12 to 15 per cent. of those who enter school pass the fourth standard. Fifty per cent. of the boys and 65 per cent. of the girls attending primary schools are in the infant class and the first standard. A child is not as a rule likely to remain literate unless it has passed the fourth vernacular standard and it is believed that in rural areas a large number even of those who pass the fourth standard rapidly fall back into illiteracy. It has to be borne in mind that the percentages quoted above are for urban as well as for rural areas and include children of the advanced classes who almost invariably complete the primary course. The extent of wastage among the backward and rural communities is, therefore, greater than would appear from the above figures. The percentage of those passing the fourth standard has, however, been gradually rising during the last five years. It was 12·9 in 1921-22 and 15·4 in 1925-26.

(Primary Education)

33. There was a general complaint that the teaching in rural schools was not adapted to the needs of the rural population. **EDUCATION OF AGRICULTURAL CLASSES.** Government gave careful consideration to the question of the alterations which could be made in the curriculum of primary schools so as to make them more attractive to the agricultural classes. They came to the conclusion that so far as the lower primary course (up to standard IV) was concerned, there was no need of any alteration in the curriculum, as the main object in the first five years of a child's education was to make it literate, and with this end in view schools have to concentrate on the three R's. What mattered really was not so much the curriculum as the way in which it was taught. It was the teacher's outlook that was all important. In order to ensure that teachers in village schools shall have an agricultural outlook, it has been laid down in the general orders for recruitment of primary school teachers that special consideration should be given to members of the backward communities, and during the last few years there has been a considerable increase in the number of teachers recruited from these classes. It has also been laid down that 75 per cent. of the places available at training institutions for teachers should be reserved for candidates from the backward classes, a very large number of whom belong to the agricultural classes. It is hoped that as a result of these measures pupils belonging to the agricultural classes, and studying in the first four vernacular standards of primary schools in rural areas, will take a greater interest in their studies than in the past, and that the wastage which at present occurs in such schools will be reduced to some extent. The only true remedy for wastage, however, is compulsion.

The ordinary curriculum of the upper primary school (vernacular standards V to VII) is, however, admittedly of a literary character and is quite unsuited to the needs of children of the agricultural classes. It was for this reason that in the year 1923 Government sanctioned an alternative curriculum specially adapted to the needs of the rural classes. This is commonly known as the agricultural bias course. At the end of the year 1925-26, 43 schools in the presidency followed the course in their upper standards. The education given in these agricultural bias schools is not purely agricultural, the object being to give ordinary school education with a special bias towards agriculture. The work in the ordinary literary subjects is considerably reduced and room is thus made for theoretical and practical teaching in simple village agriculture. For two hours every day the boys work on the small agricultural plot attached to the school. In addition to this they receive instruction in village carpentry and smithy, in which all that is aimed at is to teach a boy to mend the ordinary farm implements. Agricultural bias classes are still more or less in an experimental stage, but reports received from educational officers and others are generally favourable. It is too early to pronounce with confidence on the success of the classes. They do, however, represent a genuine attempt to give a form of education which is adapted to the needs of the agricultural classes, and if it is found that boys who have been through the course are prepared to remain on the

(Secondary Education)

land instead of betaking themselves to service and other occupations which are the general sequel to the study of the ordinary literary curriculum, it may be fairly claimed that the object in view in introducing these classes has been attained. It may be pointed out, however, that there is a suspicion in some areas that these agricultural bias classes are intended to prevent the boys of the backward classes from continuing their literary education and ultimately qualifying for Government service and one or two applications have been received that these classes should be changed into English classes.

34. In 1919-20 Government initiated the experiment of attaching English classes to vernacular schools in rural areas with the object of providing facilities for English education in villages. The experiment was first tried in 20 selected villages in the presidency and was on the whole a success. When the control of primary schools was transferred from Government to local bodies under the provisions of the Bombay Primary Education Act, 1923, these English classes were transferred to the district local boards concerned for management. Government have directed that grants should be given to the district local boards on account of these classes equal to the net expenditure incurred by Government on the classes in the year immediately preceding the year of the transfer of control or one-third of the expenditure in any year, whichever is greater, provided that an adequate and competent staff is maintained and subject to the understanding that there are at least 25 students in the classes attached to any one school and that if a grant equal to the net expenditure in the year prescribed in each case is claimed, the district local board derives no pecuniary advantage therefrom. English classes have been attached to 35 primary schools up to now.

ENGLISH CLASSES
ATTACHED TO PRIMARY
SCHOOLS.

SECONDARY EDUCATION

35. The term "secondary education" means education given in schools in which English is taught, as opposed to "primary education" which is imparted wholly in the vernaculars. Secondary education may be English or Anglo-vernacular. It is exclusively English in the case of European and English teaching schools which are intended for members of the European, Anglo-Indian, Goanese, East Indian and such other communities as speak English at home or claim none of the Indian vernaculars as their mother tongue, and prefer to have their children taught through the medium of English. It is Anglo-vernacular in the large majority of schools for Indian children. Anglo-vernacular schools are divided into (1) high schools which generally teach all the standards up to the 7th and prepare pupils for the school leaving examination of the Joint Examination Board; and (2) middle schools which generally teach standards I to III and in some cases standards IV and V also.

In the succeeding paragraphs Anglo-vernacular schools for boys and girls have been dealt with separately.

MEANING OF SECONDARY
EDUCATION.

(Secondary Education)

36. A boy is ordinarily admitted to an Anglo-vernacular school after passing the 4th vernacular standard, that is, after completing a five years' course in a primary school. It is the declared policy of Government to maintain one complete secondary school in each district to serve as a model to aided and unaided schools. The middle and high schools are generally combined in one institution, the only places where they are housed, staffed and equipped separately being Bombay, Ahmedabad and Surat. Provision for further needs is left to private enterprise, encouraged and assisted, as funds permit, by Government grants. Excluding Bombay there are 27 districts in this presidency. High schools for boys are maintained by Government in 23 of them, there being no high schools in the districts of Upper Sind Frontier, Kolaba and Ahmednagar. The Government High School at Poona was closed in 1922, partly as a measure of retrenchment and partly because there were several privately managed high schools in the place which were able to satisfy the needs of the public so far as secondary education was concerned. In addition to the 23 high schools mentioned above, Government also maintain two Anglo-Urdu high schools for boys, one for the Central Division at Poona and the other for the Southern Division at Hubli in the Dharwar district.

37. The total number of Anglo-vernacular schools for boys was 375 at the end of the year 1925-26 as against 311 in the year 1922-23. The number of pupils studying in such schools increased from 58,837 in 1922-23 to 72,316 in 1925-26—a rise of 22·9 per cent. Of the 375 schools, 28 schools with 9,857 pupils were Government schools, 27 with 472 pupils were district local board schools, 67 with 8,040 pupils were municipal schools, 211 with 46,811 pupils were aided schools and 42 with 7,136 pupils were unaided schools.

38. The total expenditure on all Anglo-vernacular schools for boys was Rs. 46,44,382 in 1925-26 as against Rs. 36,94,740 in 1922-23. The expenditure in 1925-26 was met from different sources as under :

EXPENDITURE ON
SECONDARY SCHOOLS.

Government grants	..	..	30·2 per cent.
Local Board and Municipal funds	..	..	4·3 per cent.
Fees	..	..	50·7 per cent.
Other sources	..	..	14·8 per cent.

Appendix G shows the expenditure on secondary education from 1914-15 to 1926-27. The average fee receipts per head in Government, district local board, municipal, aided and unaided high schools were Rs. 44, Rs. 36, Rs. 26, Rs. 32 and Rs. 57 respectively: The total number of schools teaching science in the whole presidency was 281 at the end of the year 1925-26. Ten years earlier, when the post of Inspector of Science Teaching was created, science was taught in 130 schools only. There has been an increase of over 100 per cent. in such schools during the period.

(Secondary Education)

39. An important development in connection with secondary education has been the spread of the Boy Scouts movement in the presidency. The movement was inaugurated in 1921 by the creation of a Boy Scouts Council with Mr. A. C. Miller, an officer of the Indian Educational Service, as its Provincial Secretary. He was in charge of the movement till April 1925. On his reversion to the Educational Department, the Scouts Council decided to appoint a non-official as its Provincial Secretary and the present Secretary, Mr. Venkateswaran, was appointed in Mr. Miller's place. Since 1925, Government have been paying to the Boy Scouts Council a grant of Rs. 40,000 per annum. The total number of scouts at the end of the year 1925-26 was 10,829; the number of scout associations 52 and the number of troops 413.

The Bombay Municipality has given official recognition to the movement and has set apart a sum of Rs. 7,000 annually for this purpose. The movement has been steadily spreading and is becoming increasingly popular. Scout troops have been formed in most Government and many non-Government schools and are reported to be giving a good account of themselves.

According to the All-India Census of 1925, the Bombay Presidency stands second as regards the total number of scouts and first as regards the number of cubs.

40. There were 42 Anglo-vernacular schools for girls in 1925-26 with a total of 4,574 pupils as against 44 schools with 4,062 pupils in 1922-23. Separate figures about Anglo-vernacular schools for girls are not available for years previous to 1922-23. Out of the 42 schools, 23 were high schools and 19 middle schools. Six of the 42 schools were Government, 3 municipal, 30 private aided and 3 private unaided schools. The total expenditure on account of these schools during 1925-26 was Rs. 4,97,198, the amount being met as follows:

Provincial funds	..	..	.. 45·6 per cent.
District local board and municipal funds	..	..	.. 2·0 per cent.
Fees	..	..	.. 18·4 per cent.
Other sources	..	..	.. 34·0 per cent.

The total expenditure in the year 1922-23 was Rs. 4,66,938. The Government share of the cost of maintenance of Anglo-vernacular schools for girls was nearly one-half as against less than one-third in the case of similar schools for boys. The receipts from fees are also very much lower.

41. The total number of schools in the presidency in which education is given through the medium of English only was 45 on the 31st March 1926 as against 44 in the year 1922-23. The number of pupils was 12,027 in 1925-26 as against 10,348 in 1922-23. Of the 12,027 pupils in 1925-26, 962 were Europeans, 7,303 Indian Christians and 3,762 Indians. The total expenditure on

THE BOY SCOUTS
MOVEMENT.

ANGLO-VERNACULAR
SCHOOLS FOR GIRLS.

ENGLISH-TEACHING
SCHOOLS FOR BOYS
AND GIRLS.

(Collegiate Education)

these schools for the year 1925-26 was Rs. 9,84,618 out of which Rs. 2,42,672 was met from provincial funds, Rs. 4,70,231 from fees, and Rs. 2,71,715 from other sources. A statement showing the total number of boys and girls attending secondary schools from 1904-05 to 1926-27 is appended. (*Vide* Appendix D.)

COLLEGIATE EDUCATION

42. The Bombay University is the only University in the presidency.

There are at present 18 arts colleges affiliated to
ARTS COLLEGES.

it, including the Royal Institute of Science. Fourteen of these colleges are in British districts and 4 in Indian States. Of the 14 colleges in British districts, 5 are maintained by Government, 7 are private aided colleges, and 2 unaided. The number of students attending colleges in British districts in 1925-26 was 7,383 as against 5,021 in the year 1920-21. The total recurring expenditure on all arts colleges during the year 1925-26 was Rs. 18,24,807 as against Rs. 13,13,071 in 1920-21. The expenditure in 1925-26 was met from the following sources :

	Rs.	
Provincial revenues	5,65,318	31·0
District Local Board and Municipal funds.	20,125	1·1
Fees	9,34,290	51·2
Other sources	3,05,074	16·7
	18,24,807	100%

The Royal Institute of Science which has been mentioned as one of the 14 colleges affiliated to the University provides facilities for post-graduate work in Physics, Physical Chemistry, Organic Chemistry, Zoology and Botany. The prosecution of research is regarded as the primary duty of the Institute and research is carried on by members of the staff, by graduates in science wishing to proceed to the Master's degree, by research and by others.

43. Under this head are included law colleges, medical colleges, engineering colleges and colleges of agriculture and of commerce. There are 4 law colleges in Bombay, Poona, Ahmedabad and Karachi. The total number of students in the law colleges at Bombay and Poona in 1925-26 was 908.

LAW COLLEGES. The college at Karachi was started in 1926 and had 59 students on its rolls. The college at Ahmedabad has been started very recently.

44. Up to the year 1925 there was only one medical college in the MEDICAL COLLEGES AND SCHOOLS. presidency—the Grant Medical College in Bombay.

The number of students in the college was 1,155 in 1920-21. In 1925-26 it dropped to 678. The fall in the number is partly due to the opening of the Seth Gordhandas Sunderdas Medical College in Bombay in 1925 by the Bombay Municipality. The college has been permanently affiliated to the University as a full grade college teaching

(Collegiate Education)

up to the M.B.B.S. degree. At the end of the year 1926-27 it had 100 students on its rolls. In addition to these two medical colleges there are three medical schools at Ahmedabad, Poona and Hyderabad (Sind) affiliated to the College of Physicians and Surgeons of Bombay. These schools train students for the diploma of Licentiate of the College of Physicians and Surgeons (L.C.P.S.). The course is one of four years, the necessary clinical instruction being imparted to the students in the Civil Hospitals to which the schools are attached. In 1926-27 there were 437 students in the three schools. Another medical college started recently by private agency is the National Medical College. The college was started in 1921 with the object of teaching Western medicine and preserving and popularising what was best in the indigenous Ayurvedic and Unani systems. It was first started as an unrecognised institution. In 1925 it got itself registered and affiliated to the College of Physicians and Surgeons of Bombay and prepares students for the L.C.P.S. and M.C.P.S. examinations held by that body.

45. The Secondary Training College for Teachers which prepares TEACHERS' TRAINING COLLEGE. students for the B.T. degree of the Bombay University is the only institution of its kind in the presidency. Forty-five students were admitted to the college in 1925-26 as against 35 in 1920-21.

46. There are two engineering colleges in the presidency, one at Poona ENGINEERING COLLEGES. and the other at Karachi. The total number of students in the two colleges together was 322 in 1925-26 as against 311 in 1920-21.

47. The Sydenham College of Commerce and Economics had 253 COLLEGE OF COMMERCE. students on its rolls in 1925-26 as against 148 in 1920-21.

48. The Government Agricultural College at Poona is the only institu- AGRICULTURAL COLLEGE. tion of its kind in the presidency and is under the control of the Department of Agriculture. According to the report of the Department of Agriculture for the year 1926-27, there were 201 students studying for the B.Ag. degree. There were 19 Short Course students, i.e., those who wish to take up one year's training in practical agriculture coupled with a small amount of training in allied sciences. The number of students coming from outside the Presidency was 46. Of the students coming from this Presidency, 23.56 per cent. belonged to the agricultural communities, 57.47 were Brahmins and 9.6 per cent. Muhammadans.

A statement showing the total number of students attending arts and professional colleges from 1904-05 to 1926-27 (*vide* Appendix E) and another showing expenditure on collegiate education from 1914-15 to 1926-27 (*vide* Appendix H) are appended.

THE UNIVERSITY OF BOMBAY

49. The University of Bombay was founded in 1857 and is mainly FUNCTIONS OF THE UNIVERSITY. of the affiliating type. It maintains a Reference Library of about 35,000 volumes.

(The University of Bombay)

50. The University is a body corporate consisting of a Chancellor, Vice-Chancellor and Fellows. The Governor of Bombay is *ex-officio* Chancellor and nominates the Vice-Chancellor who holds office for two years. Of the 100 Fellows, 20 are elected by registered graduates and by the Faculties, and the rest are nominated by the Chancellor. The Chancellor, Vice-Chancellor and Fellows constitute the Senate which is sub-divided into the four faculties of Arts, Law, Medicine and Science. The Syndicate is the executive body of the Senate and consists of 17 members of the Senate of whom the Vice-Chancellor and the Director of Public Instruction are *ex-officio*. Fifteen members are elected annually—4 by the Faculty of Arts, 3 by the Faculty of Science, 2 by the Faculty of Medicine, 2 by the Faculty of Law, and 4 by the Senate. Seven of the elected members must be heads or professors of colleges. The Senate is the controlling authority of the University, but resolutions of the Senate modifying the regulations or affecting affiliation of colleges are subject to the approval of Government. Both the Senate and the Syndicate are composed of persons of various professions and occupations. There is no University body composed entirely of educationists.

51. The University was founded seventy years ago in 1857 as a purely examining body, all its Fellows being nominated for life by Government. The scope of the University was extended by Act VIII of 1904, under which it obtained a measure of control over the affiliated colleges in the province and also received authority to appoint teachers of its own. The tenure of Fellowships was limited to five years and the elective element was introduced in the constitution of the Senate by allowing one-fifth of the Fellows to be elected by graduates and the faculties. The spread of education since 1904 rendered necessary an inquiry as to whether the constitution of the University could not be altered still further so as to bring it into closer touch with the community in general and to enable it to discharge the higher duties demanded of it by the public in the shape of well organised post-graduate teaching and research. A committee to consider the question of University Reform was accordingly appointed in May 1924, and submitted its report in the following year. The recommendations made by the Committee and the criticisms on them were carefully considered by Government and a Bill was drafted in order to give effect to such of the proposals as required legislation. The Bill alters the constitution of the University so as to make it adequately representative with a view to bring it into closer association with the public and with the industrial, commercial and civic life of the people of the presidency, to enable it to provide greater facilities for higher education in all branches of learning and to undertake on a larger scale than heretofore post-graduate teaching and research. It proposes to continue the Senate as the supreme governing body of the University and to give it greater independence by reducing the nominated element from four-fifths to about one-fourth. The number of Fellows is increased from 100 to 160. The power of nominating 40 Fellows is proposed to be retained

(Special Institutions)

for the Chancellor, principally to correct inequalities of representation. To meet the public demand for post-graduate teaching and research in all branches of learning, it is proposed to create a statutory body, the Academic Council, consisting of educational experts. The inevitable expansion of the field of University activities will sooner or later necessitate the employment of an administrator-educationist as a whole-time officer of the University to co-ordinate the various branches of work. Provision has, therefore, been made in the Bill for the appointment of a Rector whenever the Senate desires to create such an office. The Bill was passed by the Bombay Legislative Council at the February-March session of 1928.

52. A movement connected with the University, the progress of which is worth recording, is the formation of the University Training Corps which is a part of the Indian Territorial Force. In July 1917 two University double companies of the Indian Defence Force were formed. In 1919 the two companies were re-organised, one at Poona and the other at Bombay. In 1920 they were again re-organised as a battalion and a permanent instructional staff was allotted by the military authorities.

SPECIAL INSTITUTIONS

53. In 1920-21 there were 31 technical and industrial schools in the presidency with 1,766 pupils. In 1925-26 the number was 30 with 2,205 pupils. Most of the technical schools including the most important of them—the Victoria Jubilee Technical Institute, Bombay—are under municipal, district local board or private management and are aided by Government.

54. The Victoria Jubilee Technical Institute is under the management of a board of 18 members, 8 of whom including the Chairman are appointed by Government, the remainder being elected by the Bombay Municipality and various other non-official bodies. The Institute gives courses of instruction in mechanical engineering, textile manufacture, electrical engineering, technical chemistry, plumbing and sanitary engineering. It had 467 students in 1925-26 as against 321 in 1920-21. Some of the students of this institute appear for the City and Guilds of London Institute examination and the results obtained by them compare very favourably with those obtained by candidates in Great Britain and the overseas Dominions. The following figures show the percentage of successful students in 1925-26 :—

	Percentage of successful candidates
Candidates from Great Britain and Ireland ..	66.1
Candidates from Overseas Dominions ..	49.5
Candidates from India ..	49.6
Candidates from Victoria Jubilee Technical Institute Centre ..	53.3
Victoria Jubilee Technical Institute students only ..	64.1

(Special Institutions)

55. Technical schools in the presidency other than the Victoria Jubilee Technical Institute are controlled by the **OTHER TECHNICAL SCHOOLS.** Educational Department through a Committee of Direction. The committee consists of 7 members with the Chairman of the Victoria Jubilee Technical Institute as Chairman and the Director of Public Instruction, 3 trustees of the Victoria Jubilee Technical Institute and the Principals of the Victoria Jubilee Technical Institute and the College of Engineering, Poona, as members. It regulates the courses and standards in schools under its control, arranges for the periodical inspection and examination of such schools, recommends grants to be paid by Government, prepares text books in technical subjects and determines the condition of grants to new schools. It had under its control 20 such schools in 1920-21; in 1925-26 it had 25 schools with 1,387 pupils. The total grant paid by Government to such schools in 1920-21 was Rs. 26,700; in 1925-26 it was Rs. 41,318.

56. In 1920-21 Government deputed a special officer to study recent developments in technical and industrial education in Europe. On his return to India he submitted his report on certain schemes of industrial education and training in the United Kingdom and in the other countries of Europe and their application to this presidency. Recognising the need for a wide extension of technical education and industrial training, Government in 1921 appointed a committee representing important employers of labour, both European and Indian, with Sir M. Vishveshvaraya as Chairman to draw up a comprehensive scheme of technical and industrial education for the presidency. The committee were asked to examine existing facilities for imparting higher education in mechanical engineering and technology as well as for industrial and technical education of the high and middle school grades and to suggest the measures including, where necessary, provision for research work, needed to prepare persons qualified (1) to fill certain executive positions in business; (2) to hold subordinate positions in large or factory industries or responsible positions in smaller ones. They were also asked to suggest measures for (1) training girls and women for industrial careers suited to their aptitudes; (2) spreading a knowledge of business methods and discipline, and of the use of tools, machinery and labour-saving devices and to submit a scheme for the establishment of new institutions including provision for vocational schools, apprentice schools and continuation schools and for additions to and modifications of existing institutions. The committee submitted two reports—a majority report signed by 10 members and a minority report signed by 6 members including the Chairman. Owing to the straitened finances of the presidency, however, it has not been possible for Government to take any action on these reports.

57. The Sir Jamsetji Jijibhoy School of Art, Bombay, had in 1920-21 333 students including 13 girls; in 1925-26 it had 493 students including 19 girls. The Reay Art **ARTS SCHOOLS.**

(Education of Girls)

Works attached to the school provide instruction in house decoration, gold and silver work, engraving, carpet weaving, carpentry, wood carving, iron work, stone carving, etc. There were 132 students in 1920-21 and 175 in 1925-26.

There is also a school of architecture attached to the Sir Jamsetji Jijibhoy School of Art. The course is one of five years. Lectures are given by visiting lecturers, all of whom are practising architects or experts in their particular subjects. There were 127 students in the school in 1925-26.

EDUCATION OF GIRLS

58. The number of institutions maintained solely for girls, including those for Europeans, increased from 1,726 in 1920-21 to 1,744 in 1925-26. The number of girls under instruction increased from 189,814 (including 68,921 studying in institutions for boys) to 205,756 (including 68,921 studying in institutions for boys). During this period of five years there has been an increase of 8·4 per cent. in the number of girls receiving instruction.

The percentage of girls receiving instruction to the total female population of the presidency was 2·43 in 1926-27 as against 2·1 in 1920-21. Of the girls receiving instruction in 1925-26,

- 467 were in colleges (398 in arts colleges and 69 in professional colleges);
- 12,606 were in secondary schools;
- 182,086 in primary schools;
- 19 in arts schools;
- 61 in medical schools;
- 683 in training schools;
- 417 in technical and industrial schools;
- 725 in schools for adults;
- 1,050 in other special schools.

59. It is not possible to give exact figures of the total expenditure on the education of girls as more than one-third of the number of girls receiving instruction attend boys' schools. The total expenditure on institutions intended specially for girls (excluding those for European girls) rose from Rs. 36,21,227 in 1920 to Rs. 43,56,531 in 1925-26—an increase of 20·3 per cent. Of the amount spent in 1925-26, 43·7 per cent. was contributed from provincial funds, 30·2 per cent. from district local board and municipal funds, 8·2 per cent. from fees and 17·9 from other sources.

60. The number of secondary schools for girls decreased from 84 in 1920-21 to 80 in 1925-26. The number of girls receiving instruction in such schools, however, increased from 10,821 in 1920-21 to 12,606 in 1925-26—an increase of 16·5 per cent.

(Education of Women)

In 1920-21 the number of primary schools for girls was 1,505 and the total number of girls receiving instruction in primary schools 167,459. In 1925-26 the number of schools was 1,498 and the number of girls receiving instruction in primary schools 182,086.

In 1920-21 there were 11 Government primary schools for girls, 597 district local board schools, 386 municipal schools, 496 aided private schools and 15 unaided private schools. In 1925-26 there were 7 Government schools, 653 district local board schools, 489 municipal schools, 333 aided private schools and 16 unaided private schools.

EDUCATION OF WOMEN

61 The cause of women's education and of the uplift of women has been assisted by numerous societies and institutions in this presidency, chief among which are the Indian Women's University, Poona, and the Seva Sadan Societies in Poona and Bombay.

62. The Indian Women's University owes its existence mainly to the efforts of Professor Karve. It started in 1896 on a very small scale as a Widows' Home primarily intended to impart education to Hindu widows. It has in thirty years developed into a university for Indian Women. It has a college, a high school and a training college at Hingne near Poona with 17 high schools in various parts of the presidency affiliated to it. The number of students in the high schools was about 1,000 in 1926. Since 1919, 42 women have graduated from the University. The special feature of the University is that education is imparted in the vernaculars and the curriculum is adapted to the special needs and conditions of Indian girls.

63. Several associations have been formed by women themselves for educational and social work among women. The most noteworthy among them are the Seva Sadan (Sisters of Service) Society in Bombay and the Seva Sadan Society in Poona. The Seva Sadan at Bombay was started about twenty years ago with the object of promoting the spirit of social service and social work among women. The institution has done very good work and as the result of its activities other Seva Sadans, Seva Samitis and Seva Dals have been brought into existence all over the presidency. At the end of the year 1925 26 the Bombay Society had 170 members. It sends out nurses for work among poor and middle class families either entirely free or on nominal charges, and does other work such as rescue work, prison visiting, and helping girls of the poorer classes in receiving education. It trains women for the teacher's profession and has done much to raise the status of women teachers in general. It maintains a training college for teachers, teaching the full course for the three years' certificate examination of the Government Training College. The college has 82 pupils on its roll and is open to persons of all classes and creeds. It conducts

(Education of Muhammadans)

home education classes meant primarily for grown up and married women who cannot attend ordinary schools. Education is given mainly in the vernaculars, but English is also taught. Special instruction is given in cutting, sewing, singing, artificial flower-making, drawing, painting, physical culture, first-aid, home nursing and hygiene. The object of these classes is to make women not only useful to themselves at home but also to society at large, and to make them take an active and genuine interest in all things affecting women. The total number of pupils attending classes at the end of the year 1925-26 was 138.

The Poona Seva Sadan Society was started in 1909 with objects similar to those of the Bombay Society. It maintains a college for training women as teachers, a school for girls, and classes for grown up women. The total number of pupils under instruction during the year 1926 was 1,200. The society has also five hostels accommodating 230 women students, undergoing training as teachers, nurses, midwives and medical students. It also conducts some maternity hospitals, four nursing homes and seven infant welfare centres. It has extended its activities to places outside Poona.

EDUCATION OF MUHAMMADANS

64. The total population of the presidency (excluding Aden) is 19,291,719. Of this 3,775,098 are Muhammadans.

PERCENTAGE OF
EDUCATION.

In the Presidency proper excluding Sind, the Muhammadans form about 8.5 per cent. of the population. In Sind, on the other hand, they form 73 per cent. of the population. In educational matters the position of the community in the Presidency proper and in Sind is very different.

65. In 1925-26 the total number of Muhammadans receiving instruction in the whole presidency including Sind was

LITERACY FIGURES
FOR MUHAMMADANS.

193,683 as against 192,131 in 1920-21. The following statement shows the percentage of students attending recognised institutions in each division from the advanced* Hindu communities, intermediate* Hindu communities, backward* communities and Muhammadans to the total population of each in 1925-26 :—

	Hindus				Muham- madans	Others	Total
	Advanced	Inter- mediate	Back- ward	Total			
Bombay Division ..	13.3	3.3	2.2	4.3	8.3	9.3	4.9
Central Division ..	15.2	5.2	2.7	5.3	9.1	15.2	5.7
Northern Division ..	22.9	4.7	3.6	6.5	9.8	18.8	7.1
Southern Division ..	10.9	4.6	3.9	6.0	7.6	8.7	5.3
Average for the presidency	13.8	4.5	2.9	5.2	8.7	16.0	5.7

* For the meaning of the terms "advanced," "intermediate" and "backward" vide paragraph 71.

(Education of Muhammadans)

The percentage of Muhammadan pupils to the Muhammadan population is 9·6 against 5·9 for all communities in the presidency, the percentage for advanced communities being 16·1 and that for non-Muhammadan, intermediate and backward communities 4·1. The figures given show that while Muhammadans are behind advanced Hindus as regards the total number attending educational institutions, they are markedly ahead of the intermediate and backward Hindus. Further, as will be seen from the following statement, the position of the Muhammadans in the Bombay Presidency as regards literacy is considerably in advance of that in any other province in India. The fact is that though the Muhammadans in this presidency are admittedly behind-hand in secondary and higher education, as regards primary education they are by no means in an altogether unfavourable position :—

Province	Percentage of Muham- madan pupils to total Muhammadan population			
Bombay	9·6
Madras	7·8
Bengal	3·9
United Provinces	3·2
Punjab	4·6
Burma	4·2
Bihar and Orissa	3·9
Central Provinces	6·1
Assam	2·7
North-West Frontier..	2·0

In respect of secondary and higher education the Muhammadans compare much less favourably with advanced Hindus than in respect of primary education. The following statement gives the percentage of students to population :—

	Hindus				Muham- madans	Others	Average for all commu- nities
	Advanced	Inter- mediate	Back- ward	Average for Hindus			
Higher education ..	0·43	0·01	0·03	0·05	0·03	0·45	0·06
Secondary education.	2·61	0·16	0·04	0·38	0·27	6·69	0·50

(Education of Muhammadans)

66. It is not possible to calculate exactly the expenditure on Muhammadan education as 33·2 per cent. of Muhammadan pupils receive education in ordinary schools and not in schools intended for Muhammadans only. The expenditure on Muhammadan education for 1925-26 may, however, be roughly estimated at a little over Rs. 34 lakhs of which over Rs. 18 lakhs or more than 50 per cent. was contributed from provincial funds.

67. In 1925-26 the number of trained Muhammadan teachers in the presidency proper excluding Sind was 51·1 per cent. as against 60·2 per cent. for teachers of all classes.

68. The number of Muhammadan pupils under instruction in Sind in 1925-26 was 63,466 (including 10,524 girls), of whom 54,128 were in public and 9,338 in private institutions. Of those studying in public institutions, 51,097 (94·4 per cent.) were in primary schools, 2,451 in secondary schools, 103 in colleges and 477 in training and other special schools. Of the 51,097 in primary schools, 52·3 per cent. were in special primary schools known as Mulla schools.

The following figures show the percentages of pupils in recognised institutions in Sind from the various communities in 1925-26 :—

	Per cent.
Advanced Hindus .	20·8
Intermediate Hindus	6·2
Backward Hindus .	0·4
Average for Hindus .	7·3
Muhammadans ..	2·3
Others	9·6

The percentage of Muhammadan pupils in primary, secondary, special and collegiate institutions to the total Muhammadan population in Sind is 2·6 as against 3·9 per cent. for all communities in that province, the percentage for the advanced communities being 12 and that for the non-Muhammadan, Intermediate and Backward communities 1·6.

A comparison of similar figures for the presidency shows that Muhammadans in Sind are far behind the Muhammadans in the Presidency proper in point of primary education. While the Muhammadans in the Presidency are much ahead of the intermediate Hindus, those in Sind are a long way behind them. In secondary and higher education, the

(Education of Muhammadans)

position of Muhammadans in Sind is much worse as is shown by the following table :—

	Hindus			Average for Hindus	Muham-	Others	Average for all commu-
	Advanced	Inter- mediate	Back- ward				
Higher education	0.15	0.61		0.08	0.004	0.28	0.03
Secondary education	1.71	0.56	0.008	0.99	0.10	2.24	0.85

The cost of Muhammadan education in Sind may be roughly estimated at Rs. 17½ lakhs, of which 9½ lakhs or 55 per cent. was met from provincial funds.

Of the 2,915 teachers employed in Government, district local board and municipal schools in Sind, 41 per cent. are Muhammadans. Sixty-eight per cent. of the Muhammadan teachers are trained men.

The backward state of education among Muhammadans in Sind is largely due to the fact that the majority of these people have had little or no education themselves and do not recognise the value of education for their children. They are also influenced by their priests known as Mullahs and prefer to send their children to Mulla schools, only some of which are recognised by the Educational Department (*vide* paragraph 69). This has the effect to a certain extent of retarding the progress of secondary and higher education among the Sind Muhammadans. As regards the Hindu Intermediate and Backward classes in the Presidency proper, the main cause of their backwardness is the Hindu caste system under which these classes have been relegated from time immemorial to the fourth caste of "Shudras" whose function until the advent of the British rule was to render menial service to the three upper castes and who were definitely debarred from aspiring to any education whatsoever. Considerable progress has been made in respect of education among these classes since the establishment of British rule but the customs and ideas of ages past can only be corrected gradually.

69. One of the most striking features of primary education in Sind is the Mulla school. This type of school is intended

MULLA SCHOOLS. primarily to give instruction in the reading of the Koran, an accomplishment to which the Muhammadan parent attaches the greatest importance. More than 40 years ago efforts were first made to induce the mullahs to give secular instruction in Sindhi by offering grants on account of pupils who had received such instruction. Progress was slow at first, but there has been a steady improvement which has been more marked in recent years. Perhaps the most important step was the appointment about 15 years ago of a special Deputy Educational Inspector with several assistants whose sole duty was the inspection and development of these

(Education of Muhammadans)

schools. Two more Deputy Educational Inspectors were appointed a few years later. Various steps have been and are being taken to improve the schools. Training classes for mullas are held periodically, liberal grants are awarded according to the proficiency of the pupils, special grants are given for pupils who reach a certain standard and are transferred by the mulla to the neighbouring local board school, and generally every inducement is offered to the mulla to improve his own qualifications and to devote himself whole-heartedly to the teaching of the three R's with a few additions. The medium of instruction in these schools is Sindhi. The schools vary greatly in efficiency and scope but some are as good as local board schools and a few have successfully prepared pupils for the Vernacular Final examination. The majority of the schools, however, teach only up to third and fourth vernacular readers.

The number of recognised mulla schools decreased from 1,430 in 1920-21 to 719 in 1925-26. The number of pupils in them fell from 34,685 in 1920-21 to 23,179 in 1925-26. The decrease was mainly due to the Khilafat and Non-co-operation movements, but there are signs of a gradual increase in the number of such schools, the number for 1925-26 being 42 more than the number for the previous year. The total expenditure on recognised mulla schools was Rs. 2,50,610 in 1925-26 as against Rs. 2,99,282 in 1920-21.

70. Government have provided special facilities in several directions for the advancement of Muhammadan education.

SPECIAL FACILITIES FOR MUHAMMADAN EDUCATION. In Government professional colleges 10 per cent. of the places are reserved for Muhammadans, and in Government secondary schools in the Presidency proper, excluding Sind, 15 per cent. Places proportionate to the percentage of the Muhammadan population to the total population in the district concerned are as a rule reserved for Muhammadans in Government secondary schools in Sind. There does not appear to be any need at present for reserving places in arts colleges for Muhammadans or other backward communities.

In Government secondary schools free studentships are awarded to the extent of 22½ per cent. of the number of Muhammadan pupils in each school in the Presidency proper and of 30 per cent. in Sind.

In 1924-25 Government sanctioned a scheme of special scholarships for the encouragement of education among the backward classes including Muhammadans. The scheme provides for Muhammadans in the Presidency proper 637 scholarships in secondary schools ranging in value from Rs. 6 to Rs. 10 and for Muhammadans in Sind 700 scholarships of Rs. 10 to Rs. 12-8-0. Muhammadans are considerably better off in this respect than either the intermediate or backward Hindus; the scholarships for Muhammadans work out at one for every 2,100 of the Muhammadan population in the Presidency proper and one for every 3,600 in Sind, against one for every 7,100 and 5,700 of the population for intermediate and backward Hindus respectively. In arts colleges, Muhammadans in the Presidency have 90 scholarships of Rs. 20 each and the Sind

(Education of the Intermediate and Backward Classes)

Muhammadans 48 of Rs. 30 each. In professional colleges also, special scholarships have been reserved for Muhammadans. The number of applicants for scholarships in professional colleges has hitherto fallen short of the number of scholarships provided. A number of scholarships of small value are awarded to Muhammadan girls both in the Presidency proper and in Sind. Special consideration is also given to the claims of Muhammadans to appointments as teachers in primary and secondary schools.

EDUCATION OF THE INTERMEDIATE AND BACKWARD CLASSES

71. For educational purposes the various communities of the presidency have been classified as Advanced, Intermediate and Backward. Under Advanced are included Brahmins, Prabhus, Vanis, etc. The Intermediate class is made up of Marathas, Kunbis and other cultivating and artisan classes, and in the Presidency proper corresponds roughly with the castes included under the term "Maratha" for the purposes of the Bombay Electoral Rules, namely, Marathas proper, Kunbis, Malis, Kolis, Bhandaris, Shimpis, Lohars, Kumbhars, Dhangars, Bhois, Baris, Lonaris, Bavins, Deolis or Shindes, Ahirs, Khattris, Parits, Gabits, Gavadas, Gavandis, Gavlis, Guraos, Nhavis, Kusais, Kasars, Koshtis, Salis, Sangars, Sutars, Telis, Agles, Agris and Wanjaris. The backward class includes the depressed or untouchable class and the jungle and hill tribes or aboriginal tribes, and criminal tribes.

72. The population of the intermediate classes may be roughly taken as 9,156,979 and that of the backward classes as 4,075,849. According to the census of 1921, the figures of literacy among the male population of the advanced classes were as follows:—

Brahmins of different sub-castes	..	568 to 700	per thousand.
Prabhus	..	732	"
Vanis	..	757 to 771	"

Among the castes classed as intermediate, the figures of literacy were:—

Marathas	..	58	per thousand.
Kunbis	..	11	"
Agris	..	41	"
Malis	..	44	"

Among the castes classed as backward the figures of literacy were:—

Mahars	..	23	per thousand.
Mangs	..	10	"
Bhils	..	4	"
Dheds	..	65	"
Dublas	..	21	"

(Education of the Intermediate and Backward Classes)

The figures given above relate only to some of the castes under each of the three heads and are for the male population only. They show the wide disparity in literacy between the various sections of the population and explain the need for special efforts and special facilities for the education of the intermediate and backward classes. The following table gives the number of pupils from the intermediate and backward Hindu castes attending educational institutions for the last two years :—

1	College		Secondary Schools		Primary Schools	
	1924-25 2	1925-26 3	1924-25 4	1925-26 5	1924-25 6	1925-26 7
Intermediate classes ..	676	758	14,385	14,907	358,555	387,866
Backward classes (Hindus) { Depressed classes ..	24	14	658	730	47,782	53,491
Aboriginal and Hill Tribes ..	..	..	47	63	14,413	18,087
Criminal Tribes ..	..	..	12	14	8,766	5,368
Total, Backward classes ..	24	14	717	807	70,961	76,946
Grand Total ..	700	772	15,102	15,714	429,516	464,812

1	Training Institutions		Other special schools		Total	
	1924-25 8	1925-26 9	1924-25 10	1925-26 11	1924-25 12	1925-26 13
Intermediate classes ..	486	486	2,894	2,830	376,996	406,847
Backward classes (Hindus) { Depressed classes ..	41	63	815	893	49,320	55,191
Aboriginal and Hill Tribes ..	11	8	696	838	15,167	18,996
Criminal Tribes ..	7	8	450	427	9,235	5,917
Total, Backward classes ..	59	79	1,961	2,158	73,722	80,104
Grand Total ..	545	565	4,855	4,988	450,718	486,951

1	Increase or decrease (vide columns 12 and 13)	Percentage of increase or decrease
Intermediate classes ..	29,851	7.9
Backward classes (Hindus) { Depressed classes ..	5,871	11.9
Aboriginal and Hill Tribes ..	3,829	23.2
Criminal Tribes ..	3,418	37.0
Total, Backward classes ..	6,282	8.5
Grand Total ..	36,133	8.0

(Education of the Intermediate and Backward Classes)

73. In 1925-26 the numbers of pupils from the advanced, intermediate and backward classes attending educational institutions per 1,000 of the population were as follows :—

Brahmins	..	..	..	173
Other advanced Hindus	..	..	..	161
Muhammadans	..	..	..	95
Intermediate Hindus	..	..	..	44
Depressed classes	..	..	..	38
Aboriginal and Hill Tribes	..	..	..	16
Criminal Tribes	..	..	..	5

The following figures show the percentage which each of the communities bears to the total population of the presidency and the percentage of the pupils from each of these communities to the total number of pupils in the presidency :—

		Percentage of population	Percentage of pupils
Advanced Hindus	..	9	25
Intermediate Hindus	..	57	44
Backward Hindus	..	23	9
Muhammadans and others	..	11	22
		100	100

The number of intermediate Hindus in all educational institutions increased from 376,996 in 1924-25 to 406,847 in 1925-26—an increase of 7.9 per cent.

74. Special efforts have been made to encourage education among the intermediate classes. In Government secondary schools free studentships are granted to the extent of 22½ per cent. of the number of pupils of the intermediate classes. As a concession for their war services, the children of the Konkani Marathas in the Kolaba and Ratnagiri districts, if certified to be poor, are given free education in all classes of schools, Government paying special fee grants to aided schools to reimburse them for loss of fees. In 1925-26 there were three special boarding houses for intermediate Hindus in the Bombay Division maintained from private funds. One of these has since been closed. In the Central Division there were 11 private hostels for Marathas and one for Leva Kunbis. The improvement in the educational condition of the intermediate classes has been specially marked in the Central Division and is an indication of the awakening among the non-Brahmin classes who are largely agriculturists. In a single district, that of Satara, the increase in the number of children from the intermediate classes attending schools in 1925-26 as compared with the previous year was over 25 per cent. The movement for the education of the intermediate classes has been greatly assisted by private societies such as the Deccan Maratha

(Education of the Intermediate and Backward Classes)

Education Association, which assists Maratha boys by means of scholarships, and the Leva Kunbi Farmers' Association in West Khandesh, which maintains a secondary school and also assists members of the community to visit foreign countries both for general study and for the study of agricultural and industrial problems. In the Belgaum district one of the leading Inamdars, the Sardesai of Shirsangi, has given away his whole property of Rs. 12 lakhs for the encouragement of education among his own community. The income is used in giving scholarships to Lingayat students attending colleges and in giving grants towards the construction of hostels meant exclusively for Lingayat students. A fund amounting to Rs. 2 lakhs is said to have been collected in the Dharwar district for the purpose of awarding scholarships to Lingayat students in secondary schools.

75. The total number of pupils of the depressed classes in the Presidency proper in the year 1925-26 was 55,191, representing an increase of 12 per cent. over the number for the preceding year. There were 597 special primary schools for the depressed classes with 20,066 pupils. The largest increase in the number of pupils (3,013) was in the Central Division. In the Northern Division, which is the most backward in this respect, there was an increase of 197 only. Government maintain at Poona a special hostel for depressed classes students attending secondary schools and colleges. The boarders are paid scholarships of Rs. 12½ each and get free education in local institutions.

76. The total number of children of the Aboriginal and Hill Tribes under instruction in 1925-26 was 18,996. None of these have reached the collegiate stage of instruction. Over 18,000 of them were in primary schools. There are 161 special primary schools for such Tribes. The number of pupils belonging to Criminal Tribes attending various kinds of educational institutions in the presidency in 1925-26 was 5,817. In 1920-21 the number was 4,881. Most of them were in primary schools. Government maintain settlements for Criminal Tribes in various places, the main centres being in the Dharwar and Bijapur districts. These are in charge of a special Criminal Tribes Settlement Officer under the Revenue Department. Special arrangements are made for the education of children in these settlements. In the settlement schools elementary education is compulsory for boys and girls up to the age of thirteen and for all children who work as half-timers in the mills. In 1925-26 there were 1,366 boys and 1,149 girls attending day schools and 491 boys in night schools. Instruction is regularly given to boys in manual training and to girls in needlework. Boy Scout and Girl Guide work is also encouraged in these schools.

77. With a view to accelerate the progress of the intermediate and backward classes in secondary and higher education, Government sanctioned in 1924-25 a liberal scheme of scholarships for students belonging to these classes.

SCHOLARSHIPS TO
INTERMEDIATE AND
BACKWARD CLASS
STUDENTS.

(Education of the Intermediate and Backward Classes)

One thousand two hundred and seventy-four (1,274) scholarships of a value ranging from Rs. 6 to Rs. 10 are awarded annually at the rate of 182 scholarships tenable for seven years. One hundred and twenty (120) scholarships of the value of Rs. 20 in the Presidency proper and Rs. 30 in Sind are awarded annually to students of the Intermediate classes in arts colleges at the rate of 30 scholarships tenable for four years. Fifty-one (51) scholarships ranging in value from Rs. 25 to Rs. 40 in professional institutions are awarded annually at the rate of 5 scholarships in a college of engineering, 5 in a law college, 2 in the Sydenham College of Commerce and 5 in the Victoria Jubilee Technical Institute, all being tenable for the whole course.

78. Three hundred (300) scholarships ranging in value from Rs. 5 to Rs. 7 are awarded annually in primary schools in the Presidency proper to students of the backward communities at the rate of 100 scholarships tenable for three years. Six hundred and forty-four (644) scholarships ranging in value from Rs. 6 to Rs. 10 in secondary schools are awarded annually at the rate of 92 scholarships tenable for seven years. Ninety (90) scholarships of the value of Rs. 20 in arts colleges are awarded annually at the rate of 22 scholarships tenable for four years. Thirty (30) scholarships of a value ranging from Rs. 25 to Rs. 40 in professional institutions are awarded annually at the rate of 3 in a college of engineering, 3 in a law college, 1 in the Sydenham College of Commerce and 3 in the Victoria Jubilee Technical Institute, tenable for the whole course. All these scholarships were originally awarded by selection, scholarships in schools by the Educational Inspectors, and those in colleges by the Director of Public Instruction. Recently Government have ordered that the scholarships should be awarded on the results of competitive examinations. The number of candidates from the intermediate classes who apply for scholarships in all kinds of institutions is sufficiently large to absorb the scholarships provided for these classes. The same is the case with scholarships in primary schools for the backward communities. The number of applicants from the backward communities for scholarships in secondary schools and colleges is, however, still too small to take up all the available scholarships. This is especially so in the case of college scholarships. During the year under report only 14 out of the 54 scholarships in arts colleges and 1 out of the 22 in professional institutions available for the year for backward classes were held by students of those classes. The scholarships thus left vacant were awarded to students of the intermediate classes.

79. In 1925-26 of the total number of teachers in the primary schools of the presidency 38 per cent. belonged to the backward and intermediate classes. The number of teachers belonging to these classes under training and in the schools is steadily increasing.

SCHOLARSHIPS FOR
INTERMEDIATE COM-
MUNITIES.

SCHOLARSHIPS FOR
BACKWARD HINDU
COMMUNITIES.

NUMBER OF TEACH-
ERS FROM THE BACK-
WARD AND INTER-
MEDIATE CLASSES.

(Summary and General Remarks)

Forty-five (45) per cent. of the places in Government secondary schools are reserved for intermediate and backward Hindu communities. In Government professional colleges 10 per cent. of the places are reserved for these communities and this percentage has recently been raised to 25 in the case of the College of Engineering, Poona.

SUMMARY AND GENERAL REMARKS

80. A statistical review of the position tends to indicate that a considerable degree of progress has been achieved during the last few years in almost every direction. During the period 1914-15 to 1926-27 the number of persons receiving instruction in all educational institutions has increased from 789,709 to 1,148,714. It should be remembered that this period covers the closing seven years of the pre-Reforms era, and the first six years of the Reforms era, and that several of the developments which came to fruition in the later period had actually been started before the Reforms were introduced, especially in connection with the raising of the pay of teachers, and securing a larger percentage of trained men. The increase both in institutions and in pupils is noticeable in every branch of education from primary to collegiate. An attempt has been made to improve the quality of teachers employed in the schools by the raising of their salaries and by securing a larger percentage of trained men. In the domain of secondary education there has been a considerable increase in the number of schools, and a noticeable feature is the large increase in the number of private institutions, as many as 250 out of a total of 375 secondary schools being private schools. The Boy Scouts movement has made good progress in the presidency. Special facilities have been provided for the intermediate and backward classes by the grant of scholarships and by the reservation for them of a certain number of places in educational institutions. Nearly one-third of the 156 mofussil municipalities in the presidency have already made primary education free, and three have made it compulsory for boys and girls and five for boys only. In Bombay City the Municipality have introduced compulsion in two out of seven wards. A Bill has been passed to widen the constitution and to increase the powers of the University.

So far the progress attained appears to be satisfactory but a close examination of the situation reveals certain features, which give grave cause for doubt whether the large increase in the numbers of pupils and of institutions and the growth of expenditure on education have been attended with a corresponding growth in efficiency, whether in fact there has not been a tendency to sacrifice efficiency to numbers in all the branches of education, both primary, secondary and collegiate. The justification for this estimate of the position will be developed more fully in the succeeding paragraphs which contain a description of the working of the Department during the post-Reforms period.

(Summary and General Remarks)

81. It is not easy to assess the precise degree of stimulus which has resulted from the appointment of a Minister for education. The first Minister took office on the 3rd January 1921 but the budget for the year 1921-22 was already framed when he entered office and therefore it was not till the year 1922-23 that the full weight of the Minister's influence on educational affairs was felt. The total number of pupils in Primary Institutions in 1921-22 was 798,508—the corresponding figures for the subsequent years are given below :—

Year	Number of pupils
1922-23	806,440
1923-24	835,221
1924-25	855,131
1925-26	913,168
1926-27	984,726

It will be seen that the increase is in the vicinity of 186,218. But this figure represents the total number on the rolls. The statement below indicates the appreciable difference between the number of children who are nominally benefited and the number that do actually receive regular instruction. The increase is undoubtedly due to genuine awakening among the Muhammadans, the Intermediate Hindus and the Backward classes to the need for education if they were to make any headway in the new political conditions, which were affording wider openings for the employment of Indians in all branches of the Public Service. The awakening of these classes had begun some years before the actual appointment of Ministers, but it may be said that the Ministers, though following different lines of policy, have done their best, with the financial resources available, to increase the facilities for education and especially for primary education.

Statement regarding average attendance in primary schools

Year	Number on rolls	Average daily attendance	Percentage of (3) to (2)
1	2	3	4
1917-18	650,830	468,797	72.0
1918-19	701,804	475,162	67.7
1919-20	760,122	540,343	70.1
1920-21	801,155	572,671	71.5
1921-22	798,508	588,704	73.7
1922-23	806,440	582,440	72.2
1923-24	835,221	603,749	72.3
1924-25	855,131	635,747	74.3
1925-26	913,168	665,440	72.9

(Summary and General Remarks)

82. The sum expended on education in all its branches in the year 1914-15 was 153 lakhs—in 1926-27 the corresponding figure was 381 lakhs. Again in 1914-15 the share of Primary education was 61 lakhs, but in 1926-27 198 lakhs. Prior to the assumption of office by the Minister the figures were

HOW FAR INCREASE
IN FUNDS FOR EX-
PENDITURE ON EDU-
CATION WAS DUE TO
MINISTER OF EDUCA-
TION.

Year	Total expenditure on primary education	Expenditure from Provincial revenues on primary education
	lakhs	lakhs
1921-22	149·5	98·2

The table below indicates the extent to which the enormous increase of 224·6 per cent. in expenditure on primary education since 1914-15 has been due to the capacity of Ministers to exert persuasion or pressure on the Legislative Council and the Finance Department.

Year		Total expenditure on primary education	Expenditure from Provincial revenues
		lakhs	lakhs
1922-23	..	157·1	99·5
1923-24	..	166·4	110·2
1924-25	..	169·8	106·9
1925-26	..	181	114·8
1926-27	..	198·6	121·6

It will be seen that of the increase in expenditure to the extent of 224·6 per cent. the Ministers are responsible for only 80·3 per cent. Due weight must also be given to the fact that the appointment of Ministers coincided with a real awakening among the backward Hindus, and the Muhammadans, and a growing demand from these classes for increased facilities for education—especially primary,—as they realised that so long as they remained uneducated they had no chance against the advanced classes either in politics or in Government service.

83. A description of the working of the Department during the

WORKING OF THE
DEPARTMENT OF
EDUCATION DURING
THE REFORMS PERIOD.

Reforms period may conveniently be discussed under the following heads :—

- (A) Changes of policy and their effect on the Department.
- (B) Growth or contraction resulting from change of policy.
- (C) Influence of the Legislative Council and political importance of the teaching profession.
- (D) Effects of communalism and factions.

*(Summary and General Remarks)**(A) Changes of policy and their effect on the Department*

Prior to the introduction of Ministerial control the general policy was to divide the funds available between the three main branches of educational activity, viz., Primary Education, Secondary education and Collegiate education. The division of the funds available was left in the main to the Head of the Administrative Department, viz., the Director of Public Instruction. With the advent of the first Minister, Dr. R. P. Paranjpye, a definite change in the policy of allocation of funds ensued. Prior to his appointment an Act empowering municipalities to introduce compulsory primary education had been passed. The Minister went further than this and held that the utmost endeavour should be made to promote the growth of primary education throughout the Presidency and with a view to achieve this object, the Primary Education Act of 1923 was passed. The chief features of this Act were the elimination of the Director of Public Instruction from all administrative control of primary education which was made over to the principal self-governing institutions already in existence, which were termed Local Authorities. These bodies were required to provide funds and exercise general supervision over primary education within their jurisdictions. The administrative and executive functions were to be performed by a body called the School Board which was constituted on a basis which it was hoped would provide a fairly intelligent, impartial and technically equipped governing instrument. Funds were to be provided by the Local Authorities from their own resources and as an inducement to them to display activity in providing them, it was laid down that provided compulsion was introduced in any local area the extent of the subventions from Provincial revenues would in the case of municipalities be 50 per cent. and in the case of District Local Boards 66⅔ per cent. of the total additional approved expenditure. Government retained certain powers of checking a tendency to extravagance and fairly complete authority to deal with any attempt to lower the standard of education. It was also laid down that in no case should any local area receive by way of Government grant less than the amount it was receiving prior to the introduction of compulsion provided that a Local Authority did not make a cash profit out of the grant. It was felt that the result of financing such a scheme might diminish the sums available for extending secondary and collegiate education, but the Minister made it clear that primary education in his opinion had the first claim on the funds available and in fact in his first effective year of office, viz., 1922-23, he reduced the existing grants to secondary institutions by approximately 25 per cent. However, in deference to the pressure of public opinion he was obliged in the year 1923-24 to restore this cut. It was expected that prospective Local Authorities would eagerly demand the boon of independence and avail themselves of the right to control education within their own areas and it was therefore believed that little delay would ensue in the introduction of compulsion in many if not all areas. It was also hoped that the trained personnel of the Education Department would be taken over by these

(Summary and General Remarks)

Local Authorities. Dr. Paranjpye was succeeded by a Minister who was a member of the non-Brahmin party. Within a few days of assumption of office the Honourable Mr. B. V. Jadhav issued a circular which announced the intention of the Minister to postpone the transfer of control until the elections under the new District Local Boards Act which broadened the franchise, were held and the new boards had assumed control. Although a year had elapsed since the passing of the Act no demand for transfer had been made and it is doubtful whether the circular alluded to above actually retarded the operation of the Act. The new elections for the District Local Boards swept the Brahmins from office in the Presidency proper (except in Gujarat) and the Amils in Sind, and installed the non-Brahmin party in office in the Presidency and the Muhammadans in Sind. Generally speaking the tenure of office of Mr. Jadhav was occupied in making concessions with a view to overcome the reluctance which was exhibited in many quarters to accept control over education. However, by the end of 1926 a large number of School Boards had been formed and had commenced to function. A cardinal feature of the policy of Dr. Paranjpye was the restriction of Local Authorities to really large self-governing bodies, i.e., District Local Boards and towns with fairly large revenues and it was proposed that smaller units should be compelled to merge their interests in those of the nearest large body. However, a firm resistance was displayed by the bodies whose authority in educational matters was threatened and Mr. Jadhav gave way to it. In consequence Local Authorities have come into existence whose revenues are small and whose schools number as few as half a dozen institutions with a school population of a few hundreds with the result that efficiency has decreased in these schools. Again the majority of School Boards which came into existence developed strong communal tendencies and unfortunately this attitude also influenced the selection of the executive and teaching staff. The attempt to press forward the introduction of compulsion slowed down but nevertheless Mr. Jadhav's policy aimed at promoting the growth of primary education and all indications of local enthusiasm in this direction were welcomed and demands for grants responded to generously, particularly if they came from the backward and depressed classes, so far as funds permitted. Mr. Jadhav was succeeded in January 1927 by the Honourable Diwan Bahadur Harilal D. Desai whose point of view is that though it is eminently desirable to further the cause of primary education, this should not be allowed to outweigh the importance of providing facilities for Secondary and Collegiate education. He is also in favour of checking the natural tendency of the towns to absorb the greater share of the funds available to the detriment of the interests of the villages.

The general effect of this gradual modification of the clear-cut policy followed by Dr. Paranjpye has produced in a varying degree the following effects:—

- (a) Uncertainty of the position and the course of action to be taken.

(Summary and General Remarks)

(b) Loss of confidence in the capacity of Local Self-governing bodies to handle a major administrative measure.

(c) A dawning recognition of the truth of the adage that the more haste the less speed.

Superimposed upon the perplexities caused by a varying policy is the difficulty created by financial stringency. Although the Minister for Education has received an ever-increasing percentage of the available Government funds and has actually secured increased amounts from year to year, the fact remains that the best possible methods of combining economy and efficiency in order to achieve expansion have yet to be discovered. This is in an appreciable degree due to the fact that it is impossible to expect a large number of unexpert bodies, ignorant of the first principles of administration, to study true economy. Secondly the importance of the principle of intelligent delegation of power and division of duties is not yet understood. Mr. M. Hesketh, Deputy Director of Public Instruction in this Presidency who was the principal lieutenant of Dr. Paranjpye in the task of evolving the Primary Education Act of 1923, has remarked as follows :—

“ There has been ample evidence that the dangers of handing over control of primary education were under-estimated. The result has been far more unsatisfactory than I personally anticipated, in spite of the fact that we have tried whole-heartedly to make the experiment a success. Communalism and a desire for power and patronage have proved fatal obstacles to efficient administration.

“ It has been found very difficult to work the system by which an allowance is attached to the post of Head Master depending on the size of the school, a system in one form or another in vogue universally, because caste and influence with the members of the School Board rather than efficiency as a teacher have been the deciding factors in making appointments.

“ Another difficulty which has proved extremely serious in some cases is the relations of the School Board to the Local Authority. To deal with primary education what is needed is an *ad hoc* body. On the other hand, such a body under present conditions would not be in a position to levy taxation independently, and the body which levies taxation is always loth to hand over money to another body to spend.

“ Another difficulty has been the reluctance of the School Boards to give any real authority to the Administrative Officer. My firm conviction is that anything in the nature of detailed administration cannot be carried on by a committee. A committee's business is to lay down principles. It is for a trained officer to carry out the administration according to the principles laid down. This was recognised many years ago when the constitution of the Bombay Municipality was framed. Human nature being what it is, there is little doubt that a man feels less sense of responsibility and takes less trouble to study the facts, if his responsibility is to be shared with a dozen others. Moreover, there is a

(Summary and General Remarks)

tendency for rules and regulations to become more and more complex, and it is not easy for the layman to remember them and to be able to apply them at once. The difficulty of course is to get the trained officer who will carry out the duties honestly and efficiently.

“I should also like to draw attention to the growing political power of primary school masters, particularly in the villages, where there are few educated persons. They have now very great influence in the elections not only to the Provincial Councils, but also to the Local Boards. The result is that members of these bodies are very chary of supporting proposals which are likely to be unfavourably received by the teachers, *e.g.*, in connection with their pay. This appears to be a very serious danger, as a small class who are not really representative of the bulk of the people are able to exert an influence out of all proportion to their numbers.

“It is probably too late to attempt to go back to a system by which primary education is managed and controlled by Government, although such a course would be in the interests of the backward communities themselves. It has always appeared to me to be a mistake that education should have been chosen as one of the subjects on which the people might experiment in acquiring the art of local self-government.

“Various compromises have, I believe, been considered, *e.g.*, the management of the schools on behalf of the local bodies by a cadre of officers, who are at the same time Government servants. I dislike such compromises, and it seems to me that either Government or the local bodies must be definitely responsible for the management of primary schools. After all the success of a school depends on the teachers appointed and on the means taken to keep them up to the mark, and it is in appointments that the members of the School Board are mainly interested, as affording a means of exercising their power.

“There is one question of considerable importance which seems to be in danger of being lost sight of in this Presidency, possibly owing to the portfolios of Local Self-government and of Education being in different hands. In a number of cases local authorities have paid teachers too much or have spent excessive amounts on prize-givings and so on. In such cases the Educational Department has rightly refused to recognise the excess expenditure as admissible for a grant *e.g.*, in one or two cases Government have allowed a local authority to waive the recovery of excess payments on the understanding that no grant would be paid on the excess. It is a question, however, whether a local authority should not be called to account for spending the rate-payers' money wastefully. In England the Government Auditors have the power of surcharging the members of the local authority, *i.e.*, of calling upon them to refund the amounts from their own pocket. This is a question which is really no concern of mine, but the whole tendency of local bodies is towards extravagance, even in such minor matters as office furniture. To feel the same sense of responsibility in spending other people's money as in spending one's own is a quality not inherent in mankind, but one acquired by experience.

(Summary and General Remarks)

“I ought perhaps to explain that many of the difficulties to which I have referred are not peculiar to India. They are the price which has to be paid for democracy all over the world, and may account for the fact that several countries have substituted what amounts to an autocracy when democracy has failed.”

It was definitely the intention of the sponsor of the Primary Education Act to hand over the bulk of the trained Government staff to the local authorities. This desire to protect the educational system against any loss of efficiency was frustrated by the introduction of three factors the strength of which had been under-estimated :—

(i) Communalism.

(ii) The reluctance on the part of a certain number of Government servants to continue in service under the new conditions.

(iii) Non-co-operation.

As regards (i) above, the facts will be given in a separate paragraph.

As regards (ii) above, Government have been compelled to permit these officers to retire on proportionate pension before their periods of superannuation.

As regards (iii) above, it was not expected that non-co-operators would seriously hamper the working of the Act as at that time the attitude of the non-co-operator was complete abstention from all local self-governing bodies. However, this attitude was modified as a result of a resolution passed by the Indian National Congress and in certain areas and particularly in Gujarat the non-co-operators not only entered but captured the District Local Boards and Municipalities and immediately refused to accept Government control.

(B) Growth or contraction resulting from change of policy

It is true that there has been an increase in the number of pupils receiving instruction in all branches of education; it is equally true that the increase is due to the awakening of the backward classes. Ten or more years ago the movement started among the non-Brahmins of the Deccan and the Karnatak. The movement spread and there is now a definite desire for education among the cultivating and artisan classes in the Marathi and Kanarese areas, and among the Muhammadans both in the Presidency and in Sind. The movement has probably been accentuated by the Reforms and the greater representation of these classes on the Legislative Council. Unfortunately the decision to grant incremental scales of pay to the primary teachers has done much to destroy their ambition and these men realising their considerable political power have occupied themselves in agitating for still more pay rather than in devoting themselves to their duties and the interests of their pupils. Figures are available to establish that out of every 100 pupils that enter the infant class not more than 15 emerge from the fourth primary standard, and only those who pass the fourth standard can be classed as really literate. It is clear therefore that the wastage in primary education is enormous. In secondary and collegiate education also the increase in the number of pupils is due mainly to the

(Summary and General Remarks)

awakening among the backward classes. Whether this development has been a blessing is a matter of opinion. There is little doubt that it has resulted in a lowering of standards particularly on account of the orders laying down percentages for admissions of backward class students to educational institutions. Formerly clever boys only continued their education, classes were small and the standards reasonably high. The schools and colleges are now flooded with youths who are probably unfit for more advanced education. The natural result has been a lowering of the standards and the production of large numbers of young men of mediocre ability and extremely moderate attainments who cannot find employment and are probably fit for nothing but the least responsible of clerical duties. Much the same criticism may be applied to University education. There has been an increase in the number and variety of professional colleges, but the Arts colleges are turning out large numbers of pass B.As. many of whom are of little more value in the labour market than the matriculate. In fact the stage has been reached when posts which were formerly filled by matriculates are now sought by graduates. The problem is a serious one politically, because many of these matriculates and graduates belong to castes which have an hereditary connection with agriculture and industries, and who are now divorced from these interests and help to swell the already overcrowded ranks of the clerical and other professions.

(C) Influence of the Legislative Council and political importance of the teaching profession

The extent to which this body has influenced policy is described below :—

So far as primary education is concerned, the following resolutions were passed by the Bombay Legislative Council during the periods 1917-18 to 1921-22 :—

(1) That all pupils belonging to the depressed classes studying in local board primary schools up to the vernacular fourth standard be supplied free with school books, slates, and pencils, as far as funds permit.

(2) That the present procedure relating to the official approval of the plans and estimates for buildings for primary schools is unnecessarily cumbrous and requires to be revised so as to facilitate the speedy construction of such buildings.

(3) That grants for primary education to municipalities unable to meet the necessary increased expenditure should be raised for a period of two years from one-half to two-thirds of their annual expenditure.

(4) That in view of bringing education within the reach of all classes this Council recommends the Government to lay down that the goal of free and compulsory primary education in this Presidency be reached as early as possible.

The first resolution mentioned above has been given effect to and the necessary provision is made for the purpose in the educational budget

(Summary and General Remarks)

every year. As a result of the second resolution Government have sanctioned revised procedure for the approval of plans and estimates and have simplified it.

In regard to the third resolution Government accepted the principle underlying the recommendation made by the Legislative Council but before it was actually adopted in practice, the Primary Education Bill already came up for the consideration of Government and the Legislative Council. One of the principal provisions of this Bill was to hand over the management of primary schools in small municipal areas to district local boards and to make to the latter bodies grants equal to two-thirds of their expenditure on primary education within the small municipal towns within their jurisdiction, only one-third being borne by the municipalities themselves.

As a result of the fourth resolution, Government appointed a committee to consider the whole question of the introduction of compulsory primary education throughout the Presidency excluding Bombay City. The recommendations of the Committee were approved generally by Government and the necessary legislation was at once undertaken to give effect to them. The result is the Bombay Primary Education Act of 1923.

With regard to the resolutions subsequently discussed in the Legislative Council, a description of the attitude of Government and the action taken in respect of them will be found in the list of resolutions dealing with educational subjects moved in the Bombay Council since the inception of the Reforms (*vide* Appendix I).

It may particularly be mentioned here that with reference to the resolution moved by Mr. G. B. Pradhan recommending to Government the acceptance of the Sathe-Paranjpye scheme of pay of primary teachers in the March session of the Legislative Council in 1924, an amendment was moved by Mr. A. N. Surve suggesting that the subject matter of the original resolution should be postponed and that a mixed committee with a non-official majority should be appointed to report on certain issues. The amendment was supported by Government and passed by the Council. Accordingly Government appointed a committee, which was known as the Surve Committee, all members of which were members of the Bombay Legislative Council. The recommendations of this Committee were also accepted by Government and at once given effect to.

An unforeseen but very important result of the Reforms has been the sudden increase in the political influence of the primary school-master, at elections both for the Legislative Council and the Local Boards. The primary school-masters employed in the schools of local authorities are a large body—about 25,000 strong—and a fairly well-organised one. The village school-master is frequently the only man in the village with any education, and his influence over the villagers is considerable. Candidates at the elections have not been slow to realise this fact, and have done their best by promises of doing their best to improve the pay and prospects of the school-masters to enlist their support in their election campaigns. The school-masters on their side have realised their power,

(Summary and General Remarks)

and have lost no opportunity of securing the support of the members of the Bombay Legislative Council in their demands for increased pay. When it is realised that the pay of these masters represents one-half of the educational budget, it is clear that a very difficult situation will arise if by the exercise of their influence at the elections they are going to succeed in compelling Government to increase their scales of pay, funds for which can only be provided by curtailing expenditure on the opening of new schools and the spread of primary education among the people.

(D) *Effects of communalism and factions.*—It is necessary to bear in mind that primary education is largely dependent on the two principal types of local self-governing institutions in the Presidency, viz., District Local Boards and Municipalities. The intimate relation in which these bodies have been placed to primary education has been described above. In regard to secondary education with the exception of the few model institutions maintained wholly from Provincial revenues and managed directly by Government the bulk of such institutions are privately managed, and a substantial portion of their funds are obtained from Government direct in the shape of grants and therefore the capacity or otherwise of the Local Bodies does not re-act directly on the secondary institutions within such areas as it does in the case of primary institutions.

During the past three or four years the growth of Brahmin and non-Brahmin strife in the Deccan and Karnatak Districts and of Hindu-Muhammadan tension throughout the Presidency has had a serious effect on the administration of local self-governing bodies in this Presidency. It has caused a loss in efficiency owing to—

(1) the retirement from office of experienced individuals and their replacement by raw and inexperienced persons ;

(2) the tendency to make appointments on communal grounds only irrespective of the merits of the candidates (*vide* Appendix J) ;

(3) slackness in collection of municipal taxes owing to the reluctance of the executive officers to enforce coercive processes against the wealthy members of the predominant sect or caste and increasing default in payment of local taxation by municipal councillors themselves (*vide* Appendix K) ;

(4) increase of corruption among the establishment owing to slack supervision and reluctance to dismiss or prosecute defaulters who may be of the same caste or creed as the majority of the councillors (*vide* Appendix L) ;

(5) hostility of the leaders of the same caste—due to personal rivalry ;

(6) efforts to secure special consideration for one section of the public only (*vide* Appendix M).

The information contained in Appendices J, M and N particularly illustrates the intensity of communalism in the domain of primary education. In nearly all the districts of Sind the school boards elected under

(Summary and General Remarks)

the Primary Education Act of 1923 consist mainly of Muhammadans, many of whom have little or no education themselves, and are not fitted to control education in their districts. The appointments of Administrative Officers so far have been made almost entirely on communal grounds. The same state of things exists in the Deccan and Karnatak Districts where the Marathas and Lingayats respectively predominate, and have celebrated their accession to power by discarding most of the experienced Government staff, and substituting for them inexperienced and often ill-qualified members of their own caste. In Gujarat communalism has not hitherto been so rampant.

In a very recent case of the appointment of a School Board Administrative Officer trouble has arisen from the discreditable party factions existing among the members of a local authority whose embittered relations to each other have coloured every subject discussed by the local authority to the complete exclusion of any consideration of the public interest. The details of the case which are interesting and instructive are as follows. In May 1927 the local authority appointed a certain person as its School Board Administrative Officer by 24 votes against 13. This person was selected largely because he was the brother of a prominent member of the party of the President of the local authority and was in need of employment. In December 1927, taking advantage of the absence of the President the opposite party contrived to secure a majority, cancelled the previous appointment and appointed their own candidate. The President, on his return, reorganised his forces and on the earliest date legally possible the resolution of December 1927 was cancelled and the previous appointment of May 1927 was re-affirmed. The sad moral of this case is that recent legislation has given the local authority powers and duties which it is clearly unfitted to exercise. In another case a local authority agreed to employ an experienced Hindu Government officer as its Administrative Officer in spite of the fact that on both the local authority itself and the School Board the Muhammadans had a large majority. This officer is reputed to have been tactful and to have done his best to carry on his duties successfully, but after about eighteen months he was obliged to resign, as he found that the attitude of the Muhammadan members towards him made his position an impossible one. These two instances—which are fairly typical of the strength of communalism and the spirit of party factions in the School Boards and Local Authorities—go to show that as a result of these manifestations the cause of education is bound ultimately to suffer seriously.

84. The Committee on the Division of Functions presided over by Lord Southborough recommended that legislation regulating the constitution and functions of any University in British India should be included among the classes of provincial legislation which the Governor would be required to reserve for the consideration of the Governor-General unless the previous sanction of the latter had been already obtained to such legislation. They stated that in making this recommendation they were

(Summary and General Remarks)

influenced by the views of the Calcutta University Commission which had been communicated to them in advance of the publication of the Commission's Report.

Rule 2 (1) of the Local Legislatures (Previous Sanction) Rules and rule 2 (b) of the Reservation of Bills Rules apparently give effect to this recommendation of the Committee. The former rule reads as follows :—

“A local legislature may not repeal or alter without the previous sanction of the Governor General—

(1) any law made by any authority in British India before the commencement of the Indian Councils Act, 1861”

while the latter rule lays down that—

“the Governor of any Governor's province shall reserve for the consideration of the Governor-General any Bill, which has been passed by the Legislative Council of the province and is presented to the Governor for his assent, if the Bill appears to the Governor to contain provisions in respect of which the Bill has not been previously sanctioned by the Governor-General under sub-section (3) of section 80A of the Government of India Act regulating the constitution or function of any University.”

The Act of Incorporation of the Bombay University was passed in 1857, and it therefore follows under rule 2 (1) of the Local Legislatures (Previous Sanction) Rules that the local legislature cannot amend or repeal it without the previous sanction of the Governor-General.

Thus all legislation regulating the functions and constitution of the Bombay University is subject to the control of the Governor-General, and in fact the Government of India have quite recently made use of their powers of control in connection with the University Bill, which has just been passed by the Legislative Council, by insisting on the inclusion in the Bill of certain clauses regarding the appointment of a “Visitor,” etc.

This attitude of the Government of India in connection with University legislation is at variance with the principles enunciated by them through their official spokesmen in the Indian Legislative Assembly in connection with a resolution moved by the Honourable Mr. Bhurgri in February 1921, recommending that early steps be taken to introduce legislation in order to place the Universities of India on a more democratic basis. One of the suggestions made in the course of the discussion was that the power of enacting University legislation should be left entirely to the local Governments concerned; and with reference to this suggestion the Honourable Mr. (now Sir) Muhammad Shafi, who was then Member for Education of the Government of India, stated that a careful examination of the various statutory enactments and rules showed that the Provincial Legislative Councils had absolute authority to deal with those universities which were in existence at the time the Government of India Act, 1919, was passed, and that with one exception alone—i.e., if it was desired to define the jurisdiction of a University in a manner calculated to extend it beyond the limits of the province in which the University is situate—the

(Summary and General Remarks)

Provincial Legislative Councils had "every power to deal with every matter arising out of university affairs." He added that such being the constitutional position it was only proper that the Central Government should not interfere "in a matter which was within the peculiar cognisance of Ministers in charge of Education in the provinces."

The question for consideration is whether, as a matter of policy, it is desirable that University legislation in the provinces should be subject to the control of a central authority like the Government of India. The Calcutta University Commission suggested in their report that the Government of India should exercise more fully in the future the general powers of supervision which they possessed over Indian Universities, and that they should formally express these powers by the assumption by the Governor-General of the office of Visitor. The Commission did not, however, give any reasons in support of this recommendation.

The reasons for the retention of the control of the Government of India on University legislation may be put briefly as follows:—

(a) It is eminently desirable that the qualification of "graduate" should indicate an approximately equal degree of scholastic attainment all over India.

(b) Since within certain well defined limits a University education is the only avenue to the higher forms of research work and since in order to avoid wastage and unnecessary delay almost all forms of research are most conveniently conducted concurrently in all parts of the world, some national authority is necessary to act as a co-ordinating agent.

(c) Further research is an expensive business, and unless the supreme authority in the State is directly interested the production of funds becomes a more than ordinarily complicated and lengthy process. Also apart from the question of finance many of the research and scientific departments are already Central, e.g., Archæological Department, Zoological Department, Meteorological Department, Bacteriological Department, Survey Department.

Again Gresham's Law would seem to operate as truly in regard to University education as a whole as in the domain of Political Economy. Some years ago the Calcutta University adopted the course of reducing its general standard, that is to say, it made the acquisition of a degree easier; the result has been that Benares and Aligarh and the other universities of the United Provinces followed suit and the example was in turn followed by Lahore and Delhi. Gradually Bombay and Madras exhibited similar tendencies and to-day the position is that with the possible exception of Mysore, the standard has been lowered all over India.

It must be borne in mind that conditions in this country are peculiar. To commence with, a graduate degree in India has a special commercial value owing to its close association with entry into Government service and to the Bar. Again, the economic position of almost all the non-Government colleges is shaky. Few, if any, are really well endowed.

(Educational Work done by Christian Missionaries)

Without fees they cannot exist, and therefore, consciously or unconsciously, any course of action which tends to diminish numbers is resisted by the collegiate authorities. Again, the existing composition of the Senate is such that real control is in the hands of persons who are either actually collegiate authorities or who are largely influenced by collegiate authorities. Also they represent a class to whom the payment of fees—if not a burden—is somewhat of a strain. The caste system, the joint family system, the obligation to share and share alike with all members of the family, whatever property there may be, all tend to induce them—

(a) to exhibit reluctance to increase the cost of education ;

(b) to throw open the doors of University education as wide as possible, particularly because the principal market for a University degree is Government service and the Bar.

In the majority of the States which comprise the United States of America, Universities control their medical schools and grant degrees, but no graduate in medicine is permitted to practise until he passes an examination held under the supervision of the Medical Board of the State concerned. In England also there are various devices for maintaining standards, *e.g.*

the older universities are in fact controlled by an oligarchy and the entrance to this body is very narrow indeed.

Further the universities are lavishly endowed and therefore to a great extent independent.

Entry into Government service is by examination whose standard is fixed by a body which is quite distinct from the University authorities. A youth can enter one of the Inns of Court direct from school : in Bombay he cannot attend the Law College unless he is a B.A. In consequence, there is constant pressure to lower the B.A. standard. There are of course other operating factors but the tendency is to yield to economic pressure and to follow the lines of least resistance. It is difficult for the Senatorial bodies as at present constituted to perceive that they cannot with impunity set their own standard because educational attainment is a world commodity and they must conform to world standards and therefore, for the present, it is necessary to give powers of control in major issues to somebody.

EDUCATIONAL WORK DONE BY CHRISTIAN MISSIONARIES

85. Some reference must be made to the good work in the sphere of education done by the Christian missionaries, and to the effect which the Reforms have had upon their work.

The influence of Christian missionaries on education in India was probably greater in the early days than at present. They had much to do with the introduction of what is commonly called English education, and even to this day the number of pupils in mission primary schools, about 30,000, is small as compared with nearly 1,800 in colleges and 22,000 in Anglo-Vernacular schools. The figures for primary schools

(Educational Work done by Christian Missionaries)

do not, however, accurately represent the value of work which the missionaries are doing in this field.

In Bombay City, the two missionary colleges, Wilson and St. Xavier, have 1,762 students as compared with 415 at the Elphinstone College, the only other arts college. The large Roman Catholic English-teaching schools in Bombay, Poona and Karachi also play a prominent part in secondary education in those towns. Elsewhere the mission high schools are probably not of very great importance, and do not materially affect the general condition of secondary education.

In the field of primary education the Christian missionaries are doing much more important work than the figures showing the number of pupils in their schools would indicate. There has been no great mass movement towards Christianity in this presidency, but a certain amount of progress has been made among the depressed classes. Hinduism offers little to these classes. The prejudice against the untouchables is very gradually being removed, but this does not lift the depressed classes into a higher caste or improve their status materially. Once a Mahar becomes a Christian, many of his disabilities are removed, although this is perhaps more true of the second generation.

Perhaps the most valuable work which the missionaries are doing at the present time is the experimental work in vocational training in village schools. They have realised the inadequacy of a purely literary training, and are endeavouring to devise a form of education which will better fit their pupils for village life. This is the work which Government ought perhaps to undertake, but it would be impossible for Government to get men and women of the educational training and experience which the missionaries possess, who would be prepared to devote their life to work of this nature.

It is necessary also to mention specially the work of the missionaries in connection with girls' education; particularly in the training of teachers. Many of those engaged in this work are capable of undertaking much more important duties, *e.g.*, a lady who was formerly the head of a large secondary training college in England is now in charge of a primary training class with 20 or 30 pupils. The teachers trained by the missionaries are mainly employed in mission schools, and comparatively few serve in local board or municipal schools. The Reforms appear to have had little effect directly upon the educational work of the missionaries. The Honourable Ministers have realised the value of their work. The handing over of the management of primary education to the local bodies under the Primary Education Act, a measure which might have been framed even if there had been no Reforms, is not likely to be of advantage to mission schools. A few of the local authorities have proved unsympathetic and desirous of cutting down the grants which were formerly awarded directly by Government. The schools are safeguarded to a large extent under the Primary Education Act and Rules, but much depends upon the manner in which the local authorities carry out their duties, and there is reason to believe there

(European Education)

are serious misgivings on the part of the missionaries as to the future of their primary schools. There is in some quarters a definite prejudice against Christian missionaries, and a motion in the Legislative Council led to the imposition of a conscience clause in single-school areas a few years ago. This clause is not a very onerous one, and does not forbid compulsory religious instruction in a school which is the only one of its class in a locality, unless a parent definitely expressed his objection to his child receiving such instruction.

In regard to the future of missionary work in education it seems possible that they may concentrate their efforts on the education of those who are already Christians rather than seek to make new converts. They will aim at making the Christians a reliable, independent and worthy class of citizens, capable of holding their own in the struggle of life. It is perhaps worthy of notice that although the number of sects and denominations represented by the Christian missionaries is very large, there is a good deal of co-operation between them. They have formed a general Missionary Council, in several cases schools and other institutions have been amalgamated, and generally the different organisations work together in a business-like and commonsense manner.

EUROPEAN EDUCATION

86. Education of Europeans and their descendants in India has always engaged the special attention of Government. As early as 1881 the Government of India stated in a Resolution issued by them on the 18th October of that year :—

“ It has been rightly said that one very special reason why Government cannot afford to ignore the growing up in India of an uneducated European population is that in the case of the European his capacity for self-maintenance depends entirely upon the education he receives. He cannot support himself in this country by working as a day-labourer or by adopting the avocation of the native peasant. An uneducated European almost necessarily becomes an idle and profitless and often a dangerous member of the community. (On the other hand it must be remembered that he or his English ancestor) was brought out to India originally to do work that could only be done by the European—a fact which in itself gives him some claim to consideration. The climate is uncongenial to him, the cost of living is necessarily disproportionate to his means and he is deprived at the same time of those educational opportunities which are now available at home even to the poorest of the working class. In all these respects the European parent is placed at a disadvantage, and it thus becomes necessary for the Government to come to his assistance.”

In the course of an exhaustive monograph on European Education written for the Report on the progress of Education in the Bombay Presidency during the quinquennium from 1907-08 to 1911-12 the then Inspector of European Schools in the Bombay Presidency remarked as follows :—

“ At the supreme moment of the recent appalling disaster to the ‘ Titanic ’ the Commander is reported to have addressed the men in two words—‘ Be British.’ This might well serve as the parting advice given to the European boy who is just leaving school. He has got to make a definite stand for a certain type of character. To a British boy in a school in Great Britain the task is no light one. To a British or European boy in India it is ten times heavier. Climatic and social conditions are all against him. He may be of pure European origin on both sides, but the fact that he was born and bred in India, and that he has (generally) a peculiar intonation provides a grievous stumbling block. Turning to the actual struggle for existence, he finds that he has to enter upon fierce

(European Education)

competition with 'natives', often upon unequal terms. Clerkships in Government offices are monopolised by Hindus; careers requiring commercial or technical qualifications are largely in the hands of Parsis, who have been quick to see the advantages of such training; posts in colleges and Anglo-Vernacular schools are practically out of the question. I believe no such post is held by a country-born European anywhere in the Presidency. Posts in European schools are badly paid and offer no attractions; and the best of these are now going to young men who come out from Great Britain. The Railway, it is true, accounts for a good many European and Eurasian boys, but even here the stress of competition with Hindus and Parsis and Muhammadans is severe. Add to all these disabilities the fact that the European boy has got to adopt a certain standard of living which costs, I suppose, five times as much as that of a native, and no wonder the community as a whole regards its present and future with gloom and despair. The fact is that whereas a European boy educated in Great Britain starts his career in India with so much to his credit, the locally educated boy starts with an adverse balance. The former assumes superiority; the latter has to achieve it."

The Committee appointed by the Government of India in March 1902 to revise the Code of Regulations for European Schools in Bengal with a view to preparing a uniform Code for the whole of India and Burma remarked in the very outset of their report :—

"We are unanimous in respectfully urging that the education of Europeans should be kept quite distinct from that of the natives of the country throughout India and Burma. We recommend that no pains should be spared to make education for Europeans as efficient and thorough as possible so that European children may be perfectly prepared for the life struggle which lies before them and be able to compete on equal terms with the natives of the country."

"While we agree that due consideration should be shown to the few members of the community who send their children to England, we are strongly of opinion that the duty of the Government in regard to European education is to provide for the requirements of the community at large, whose children will never leave the country."

The Educational Conference which assembled in Simla in 1912 to consider and make suggestions for improving the facilities open to the domiciled community for obtaining education recommended that education should be made compulsory for the community. This step had already been advocated by the Bombay Government long before the Conference's recommendation in connection with a Bill which they proposed to introduce for the protection and education of children and young persons of European extraction, in regard to which they had recorded their opinion that "the domiciled community in the Bombay Presidency is entitled to expect that, so far as possible, their children should be brought up and cared for under laws similar to those obtaining in England." The Government of India, however, did not approve of the principle of compulsion for the domiciled community only and suggested many practical difficulties in the way though the Government of Bombay had intimated that in the Bombay Presidency there were Societies and Institutions which would educate the children of those who were unable to bear the expenses of education. In circulating to local Governments copies of the discussions and resolutions of the Conference, the Government of India remarked :—

"At the outset the Government of India desire to reiterate their adherence to the policy of reliance on private enterprise guided by inspection and aided by grants from public funds. They are impressed, however, by the needs of the domiciled community and desire as part of the general programme of educational improvement in India that this community should receive a liberal measure of support in supplement to increased efforts on its part to improve the education of its children."

(European Education)

87. Unlike the system followed in the education of Indians the education of Europeans and Anglo-Indians—in fact, of all Christians who have adopted or retained European habits or modes of life—has been conducted exclusively by private agency. For Indians, Government maintains a number of colleges, Secondary and Primary schools and Technical Institutions and also helps a large number of private schools by means of grants-in-aid; but in the case of Europeans and Anglo-Indians, Government does not maintain a single institution but only helps private agencies by means of grants, which are regulated by the Special Code of Regulations for European Schools promulgated in 1908 and still in force with some modifications. The Committee appointed by the Government of India to frame the Code in 1902 went into the question whether Government should establish schools of its own for the education of the children of the European and Anglo-Indian community, especially those of the poor section of the community, but came to the conclusion that such schools were not necessary. It was of opinion that for European children who were left in a state of destitution on the decease of their parents and for the children of the poorer classes of Europeans located in out-of-the-way places it would be well to provide for their education by the recognised European schools either by boarding grants and special grants towards the cost of conveyance to such schools or by meeting the entire cost of board and tuition. It is suggested that the main lines on which European education could and should be improved in India were the grant of substantial financial help to European schools, adequate scholarships to deserving pupils, efficient control and inspection of European Schools conducted by private agencies, adequate provision for the training of teachers for such schools and the introduction of a proper system of examinations. Accordingly the Code of Regulations for European Schools in the Bombay Presidency provides, in addition to the ordinary grants, supplementary, special and building grants given to non-Government Indian schools under the Grant-in-aid Code, for special expenditure to be incurred by Government in giving boarding grants for orphans and destitute children, awarding scholarships to pupils in High Schools, training institutions and colleges. This Code provides for a special curriculum for European Schools and used to provide for examinations to be conducted by the Inspector of European Schools under the supervision of the Director of Public Instruction. The special examinations have now been abolished and European Schools now prepare their pupils for the local examinations conducted by the University of Cambridge through the Inspector of European Schools, who is the local Secretary of the Examination Board. Any school seeking recognition under the Code, to enable it to obtain the benefits conferred by it, must satisfy the authorities that it is actually needed; that its financial stability is assured; that its managing body, when there is one, is properly constituted; that it teaches the proper subjects up to a proper standard; that due provision has been made for the instruction, health, recreation

(European Education)

and discipline of the pupils; that the teachers are suitable as regards character, number and qualifications; and that the fees to be paid will not involve such competition with any existing school as will be unfair and injurious to the interests of education. Until recently European schools were allowed to admit Indians to the extent of 20 per cent. of the total number of pupils. Owing to the insistent demand from non-Europeans for admission of their children to European schools on account of the better training given in those schools, the Code was amended in 1923 so as to allow European schools to admit Indians to the extent of 30 per cent. of the total number of pupils in the whole school.

88. The education of Europeans and Anglo-Indians is conducted on different lines from those obtaining in the case of the education of Indians. The latter has been based on the fact that it has to provide for a class whose mother tongue is not English; the primary classes are conducted in the vernacular and the large majority of pupils make their first acquaintance with English on entering Secondary Schools.

SPECIAL ARRANGEMENT MADE ONLY FOR THE PRIMARY AND SECONDARY EDUCATION OF EUROPEANS AND ANGLO-INDIANS BUT NOT FOR HIGHER EDUCATION.

The European or Anglo-Indian has not that handicap, and it has been therefore found possible to lay down a much higher and more comprehensive curriculum and final test than the Matriculation or ordinary School Leaving Certificate prescribed by the Bombay University for all schools. The curriculum prescribed for European Schools is so designed as to equip the pupils attending those schools with sufficient practical knowledge to enable them to earn a decent living at the end of their Secondary School career, or to join some institution of higher education in England without having to go through any preparatory training in that country. The curriculum enables pupils to sit for the Cambridge Local and even Higher Local Examinations. Students passing in honours for the Cambridge Local or Senior Cambridge are admitted, subject to certain conditions, direct to the Intermediate class at Cambridge and in the Colleges under the Allahabad and Calcutta Universities. No provision is made for the University education of Europeans and Anglo-Indians in India. If any member of the community wishes to obtain higher education in India he has to join one of the ordinary colleges maintained either by Government or private agency for imparting higher education to Indians in general. The number of Europeans and Anglo-Indians attending Arts Colleges and other Institutions of Higher Education during the years 1922-23 to 1925-26 was 65, 75, 49 and 48 respectively. Those parents who can afford it, generally send their children to England for the completion of their education and training. The Government of India have sanctioned two All-India scholarships of £200 each tenable in England—one for male students tenable for 3 or 4 years, and the other for female students tenable for 3 to 5 years. Both these scholarships are open to members of the community resident in any part of India. The Government of Bombay have in contemplation a scheme under which a separate scholarship will be given to a resident of the Bombay Presidency. A similar

(European Education)

scheme for granting scholarships to members of other minor or backward communities is also pending, but Government has not been able to give effect to them for want of funds. It has been decided that both those schemes must stand or fall together.

89. Tables are appended showing for the last two decades ending with the year 1925-26 (the latest year for which figures are available) (1) number of European Schools and special institutions, (2) number of pupils (Europeans and non-Europeans) attending European Schools and special institutions, (3) number of Europeans and Anglo-Indians under instruction in various schools (European, English-teaching, etc.), Colleges and special institutions, (4) number* of pupils (Europeans and non-Europeans) under instructions at various stages of education in European Schools and (5) number† of Europeans and Anglo-Indians under instruction at various stages of education in all kinds of schools; and (6) the expenditure incurred on European schools and the sources from which the expenditure was met (*vide* Appendices O to T).

90. The number of schools decreased from 47 in 1906-07 to 38 in 1925-26. The decrease was mainly due to the policy of elimination and amalgamation followed during the last four years. About a third of these schools are located in Bombay City and its suburbs, where there is a large population of Europeans and Anglo-Indians; but many of them are spread all over the Presidency, specially at Railway centres where there are small groups of Europeans and Anglo-Indians. Many of the European Schools, especially those located at small mofussil centres, are very small and uneconomical, but it has been found difficult to eliminate them owing to the fact that they serve a real need. Were the schools to be closed, children attending them would have to be sent to Boarding Schools and the majority of the parents of the children could not afford the additional expense. Even some of the schools located in the cities or their suburbs are small and uneconomical in the higher classes but elimination or amalgamation is difficult owing to the denominational character of the majority of them. Two-thirds of these schools are maintained by Roman Catholic missionary bodies or Protestant missions or Institutions and the remaining one-third, which are undenominational, are Railway schools managed by the respective Railways. It has been found that parents belonging to one religious denomination, specially those belonging to the Roman Catholic persuasion, are very unwilling to send their children to schools managed by other denominations. In spite of these handicaps, the

* For the first three quinquennials only; separate figures for the latter period are not available.

† For the last four years only; separate figures for the previous period not available.

(European Education)

policy of amalgamation and elimination of uneconomical schools has been steadily pursued. A number of primary schools with a very meagre attendance has been closed or removed from the list of schools receiving aid from Government. Two large combinations of schools have been effected, one, the amalgamation of the Indo-British Institution and the Bombay Education Society's Boys' and Girls' Schools in Bombay City and the transfer of the Boarding School of the amalgamated Society to Deolali leaving a day school in Bombay City, and the other, the amalgamation of the Scottish Education Society's John Cannon School, the Scottish School and the Cathedral Boys' and Girls' schools in Bombay. It is expected that it will be possible to close down some of the smaller Railway schools when the Bombay Education Society's Boarding School at Deolali has been fairly established.

91. In the year 1916-17 there were three professional institutions, one of which was for males and two for females. One of the three "institutions" consisted of classes attached to the Young Men's Christian Association, Bombay, and of apprentices living in the Young Men's Christian Association Home, who received technical instruction and also worked in shops and firms in Bombay. The second institution consisted of similar classes for female students attached to the Young Women's Christian Association, who received training in shorthand, type-writing, book-keeping, etc. The third institution was a school for nurses which was opened at Nasik and trained girls to be children's nurses. Of these the first and the last have ceased to exist. On the other hand a Telegraph Training Class has been started, which is attached to the Barnes School at Deolali, where boys are trained for the Telegraph Department.

92. The number of Europeans and Anglo-Indians in European Schools and special institutions increased during the 15 years ending with 1921-22 (the first year after the introduction of the reforms) from 3,381 to 3,945, and during the subsequent four years it declined to 3,542 but went up again to 3,830 in 1925-26. On the other hand the Indian pupils in such schools steadily increased from 342 in 1906-07 to 915 in 1925-26. The number of Europeans and Anglo-Indians in all classes of Schools, Colleges and Special Institutions increased from 4,149 in 1906-07 to 4,913 in 1925-26. The increase of Indians in European Schools and the increase of Europeans and Anglo-Indians in other kinds of schools is mainly due to the fact that poorer classes of Europeans and Anglo-Indians find it difficult to send their children to European Schools where the fees charged are high, whereas well-to-do Indians prefer to send their children to European Schools by paying even double the fees because the standard of education in those schools is higher and because in the case of boys after passing the Cambridge School Certificate examination the children find facilities in joining institutions of higher education in England.

(European Education)

93. The number of Europeans and Anglo-Indians under instruction at the Primary and Middle stages increased from 2,460 and 718 in 1906-07* to 3,357 and 1,011 in 1925-26, while the number at the High stage declined from 496 to 342. The percentage of pupils at the three stages was 67, 19·5 and 13·5 respectively in 1906-07 and 71·2, 21·5 and 7·3 in 1925-26. The number of pupils in special schools (normal, commercial, etc.) and in Arts and Professional Colleges or Institutions was 63 and 95 in 1906-07 against 155 and 48, respectively, in 1925-26. The increase in special schools is mainly due to the fact that a larger number of teachers of European Schools are now getting themselves trained in special schools. The decrease in Professional Colleges and Institutions is mainly due to the fact that the classes in the Professional Colleges, where Anglo-Indians were being trained for the Military medical career, have been abolished. A feature of the statements giving the numbers of European children attending schools is that a larger number of females than males receive instruction in Secondary and Special Institutions whilst in Arts and Professional Colleges the number of males is greater.

94. The total expenditure on Schools and Special Institutions maintained for the education of Europeans and Anglo-Indians increased from Rs. 4,30,489 in 1906-07 to Rs. 14,04,360 in 1921-22 (the first year after the introduction of the Reforms), though the number of pupils attending those schools increased from 3,723 to 4,700 only. The increase was mainly due to the increased cost of living which followed the Great War. In the post-reform period ending with 1925-26 the total expenditure fluctuated slightly, it being Rs. 13,86,095 in 1925-26 when the number of pupils was 4,745. The expenditure during the three years mentioned above was met as follows:—

	Amount	Percentage
	Rs.	
1906-07		
Government Funds ..	1,24,682	28·9
Local Funds	780	0·1
Fees	1,41,141	33·0
Subscriptions, donations, etc.	1,63,886	38·0
Total:	4,30,489	100·0
1921-22		
Government Funds ..	4,50,235	32·0
Local Funds	1,070	0·7
Fees	5,74,021	40·6
Subscriptions, donations, etc.	3,79,034	26·7
Total:	14,04,360	100·0
1925-26		
Government Funds ..	4,95,737	36·0
Local Funds .. ..	.....	.....
Fees	5,13,613	37·0
Subscriptions, donations, etc.	3,76,745	27·0
Total	13,86,095	100·0

* The figures for this year include 342 Indians at all stages taken together.

(European Education)

The annual cost of maintaining a pupil in European Schools increased from Rs. 141·5 in 1916-17 to 190 in 1923-24. The annual tuition fee per pupil increased from Rs. 44 to Rs. 68 in 1923-24. It is understood that the corresponding figures for 1926-27 are 201·7 and 75 respectively. It will thus be seen that the cost of education of a pupil is high but that a percentage of it is met from fees. The cost is higher than in Indian schools owing to higher standard of education and high salaries paid to teachers in European Schools, some of whom are specially brought out from England. The cost would have been much higher were it not for the fact that the pay of many of the teachers, specially in Roman Catholic Schools, is only nominal, the teachers belonging to religious orders to whom no regular pay is given. It will be seen from the table given above that Government contributed about one-third of the total expenditure on European Schools, the larger portion of the remaining expenditure being met from fees. By far the larger amount spent on European Schools, is on account of pupils attending the primary stage of instruction, the proportion of pupils at this stage to the Middle and Higher Stage being 67, 19·5 and 13·5 per cent. in 1906-07 and 71·2, 21·5 and 7·3 in 1925-26. Even for pupils at the primary stage of instruction in European Schools Government pay only one-third of the total expenditure, the other two-thirds being met from fees, private subscription and donations. In the case of Indians, Government contribute two-thirds of the expenditure incurred on primary education and the greater portion of the remaining one-third is paid from the funds of Local Boards or Municipalities.

95. A large number of European Schools have hostels or boarding houses attached to them. A table is appended showing the number of hostels and the number of boarders in them and also the amount of Government grants given on account of orphans or destitute boarders during the years 1916-17, 1921-22 and 1926-27. (*Vide* Appendix U.) It will be seen that a large number of the pupils of European Schools live in hostels and that Government support a considerable proportion of them by destitute grants which rose from Rs. 58,819 in 1916-17 to Rs. 1,06,473 in 1926-27.

96. Apart from the various forms of hand and eye training (*e.g.*, paper and cardboard and clay modelling) which form part of the Kindergarten work in the best schools, there is hardly anything that can be called 'MANUAL AND SOCIAL TRAINING' training in any of the boys' schools except the ordinary drawing course and the laboratory work done for the Science group of the Cambridge Local Examination. Carpentry has been given up owing to the impossibility of getting teachers and the high cost of equipment. The same remark applies to the manual training in the Girls' schools. When they leave the Kindergarten stage they take up the drawing course prescribed for the School of Arts Examination and a needle work course prescribed by the Education Department. In a few High Schools there

(European Education)

is a special course in Domestic Economy for those who do not wish to prosecute their literary studies beyond standard VI or VII. Provision for physical education for boys and girls is made in all schools. Boy Scouts and Girl Guide movements have scarcely left any school untouched. Special classes on modern lines are held by the Young Women's Christian Association in Bombay for the benefit of women teachers. Besides these, out-door games receive due attention in almost all the schools. But most of them specially those in Bombay are handicapped by the lack of adequate play-grounds.

97. One of the essentials for improving European Education in India has always been considered to be the provision of good and efficient teachers for European Schools. As far back as 1901 the Government of India wrote :—

TEACHERS.

"The Governor General in Council, however, considers it a matter of paramount importance that steps should be taken without delay to improve the character and quality of the male teachers. The main cause of the inferiority of the teachers in European Schools appears to be that the prospects of those who take employment as teachers in these schools are very poor. It has been represented to the Government of India that though the initial pay, with board and residence, may not be too low for a young man entering on the life of a teacher, yet the ultimate salary to be gained after years of work is very small; that in many of the aided schools the tenure of appointment is very precarious and that it is not unusual for the managers of a school to displace a teacher without any assigned cause except that his place is required for another man who has often no better qualification than his own, but happens to belong to the particular religious denomination that maintains the school."

The methods advocated for the attainment of this object are: (1) establishment of institutions for the training of teachers; (2) larger grants to schools to meet salaries of teachers and (3) establishment of a provident fund for teachers. A table is appended showing the number of trained and untrained teachers in European Schools during the four* years succeeding the Reforms. (*Vide* Appendix V.) It will be seen that the number of trained teachers in Institutions for males and females has increased from 35 and 63 in 1922-23 to 45 and 135 in 1925-26 whilst the number of untrained teachers has declined from 109 and 186 to 76 and 120 respectively. In the Bombay Presidency there is no institution for the training of male teachers. There is only one such school in the whole of India, i.e., at Ghoragalli in the Punjab, and the Government of Bombay from time to time grant stipends to deserving European boys for their training in that school. Special grants are also given to the three normal classes for girls conducted by three private European Schools in which candidates are prepared for Secondary Teachers' Certificate Examinations and the Elementary and Higher Kindergarten Examinations. Stipends of Rs. 40 are paid to a certain number of girls trained in the classes. A new examination known as the Kindergarten Examination conducted by the Inspector of European Schools on the lines of the National Froebel Certificate Examination in Britain was instituted in 1919 for the supply of teachers for the Kindergarten and junior classes of schools working under the European School

* Figures for earlier years not available.

(European Education)

not only co-ordinate the whole system of education but also one who would tour and get into touch with the several schools, one who was an educationist by profession with first-hand knowledge of the Anglo-Indian community and its characteristics, who knows the position and the difficulties of the schools and one who would not be liable to be transferred to some other post without any regard to the interests of his existing post.

The question of making adequate provision for the Inspector of European Schools in the Bombay Presidency has been engaging the serious attention of the Government of Bombay. Under the orders passed by the Secretary of State recruitment in England for the Indian Educational Service has ceased and the local Governments have been given power to frame rules for the recruitment of provincial Educational Services. Both the Government of Bombay and the educational authorities engaged in the education of Europeans and Anglo-Indians are of opinion that the Inspector of European Schools must be a European, but it is feared that under the changed conditions no suitable European is likely to accept a permanent post in a Provincial Service, in which the conditions and remuneration will undoubtedly be much less favourable than in the present Indian Educational Service, and there will in addition be the difficulty of making suitable leave arrangements. Even at present there is a serious lack of European officers in the Indian Educational Service with administrative experience to be put in charge of European schools. Recently the officer holding the appointment of Inspector of European Schools proceeded on leave owing to serious illness and there was no other officer available to be appointed in his place and temporary arrangements had to be made by appointing the Deputy Director of Public Instruction to hold the post of Inspector of European Schools in addition to his duties. To meet this difficulty, which would sooner or later arise in other provinces, the Government of Bombay submitted a proposal to the Government of India for the formation of a small cadre of all-India Service of Inspectors of European Schools to be recruited in England and lent to local Governments according to their requirements, local Governments contributing *pro rata* to the cost, the service as a whole to be under the general control of the Government of India but the officers lent to the local Government to be subject to the orders of the local Government of the province. The Government of India, have, however, pointed out certain administrative difficulties and deferred consideration of the proposal pending the report of the Indian Statutory Commission.

(Appendix A)

APPENDIX A

Statement showing the expenditure on education from provincial revenues for the years 1920-21 and 1925-26 and its distribution under various heads.

	Institutions			
	1920-21			
	Boys	Girls	Total	Percentage
	Rs.	Rs.	Rs.	
University	10,73,659	....	10,73,659	7·2
Secondary	13,44,609	3,57,062	17,01,671	11·4
Primary	70,07,649	7,71,264	77,78,913	52·2
Special	12,53,672	2,05,948	14,59,620	9·8
Buildings .. ..	....	....	13,05,200	8·8
Miscellaneous including scholarships.	....	....	4,18,261	2·8
Total ..	1,06,79,589	13,34,274	1,37,37,324	92·2
Direction and Inspection	....	....	11,72,746	7·8
Exchange and Expenditure in England.	....	....	....	....
Grand Total ..	1,06,79,589	13,34,274	1,49,10,070	100·0

	Institutions—contd.			
	1925-26			
	Boys	Girls	Total	Percentage
	Rs.	Rs.	Rs.	
University	11,78,228	....	11,78,228	6·0
Secondary	16,97,419	5,14,815	22,12,234	11·4
Primary	1,00,92,189	13,92,048	1,14,84,237	59·0
Special	10,70,646	1,96,413	12,67,059	6·5
Buildings	8,99,754	1,34,582	10,34,336	5·3
Miscellaneous including scholarships.	6,30,029	1,02,513	7,32,542	3·8
Total ..	1,55,68,265	23,40,371	1,79,08,636	92·0
Direction and Inspection.	....	....	13,29,007	6·8
Exchange and Expenditure in England.	....	....	2,40,562	1·2
Grand Total ..	1,68,34,105	24,04,138	1,94,78,805	100·0

(Appendix B)

APPENDIX B

Statement showing the increase in the number of institutions and of pupils in the various stages of instruction during the five years from 1920-21 to 1925-26

	Institutions		
	1920-21	1925-26	Percentage of increase or decrease over 1920-21
Arts Colleges	11	14	27·2
Professional Colleges	7	9	28·6
Secondary schools	475	496	4·4
Primary schools	12,826	13,448	4·8
Special schools	399	404	1·2
Total Recognised ..	13,718	14,371	4·8
Total Unrecognised ..	1,496	1,361	—9·0
Grand Total ..	15,214	15,732	3·4

	Pupils		
	1920-21	1925-26	Percentage of increase or decrease over 1920-21
Arts Colleges	5,021	7,428	47·9
Professional Colleges	2,480	2,435	—1·8
Secondary schools	76,252	93,569	22·7
Primary schools	801,155	913,168	14·0
Special schools	20,092	20,461	1·84
Total Recognised ..	905,000	1,037,061	14·6
Total Unrecognised ..	44,827	37,039	—17·4
Grand Total ..	949,827	1,074,100	13·1

(Appendix C)

APPENDIX C

Statement showing total number of boys and girls attending Primary Schools in the Bombay Presidency from 1904-05 to 1926-27

Year	Number of pupils		Total number of pupils (Boys and Girls)
	Boys	Girls	
1904-05	451,141	82,141	533,282
1905-06	504,863	90,125	594,988
1906-07	490,585	89,044	579,629
1907-08	515,382	92,158	607,540
1908-09	539,513	101,328	640,841
1909-10	580,927	109,606	690,533
1910-11	593,197	112,105	705,302
1911-12	630,427	126,703	757,130
1912-13	678,031	136,378	814,409
1913-14	701,496	146,210	847,706
1914-15	551,987	119,999	671,986
1915-16	545,461	124,680	670,141
1916-17	528,294	124,324	652,618
1917-18	522,962	127,868	650,830
1918-19	557,669	144,135	701,804
1919-20	602,157	157,965	760,122
1920-21	639,577	167,459	807,036
1921-22	637,423	161,085	798,508
1922-23	645,959	160,481	806,440
1923-24	668,487	166,734	835,221
1924-25	684,717	170,414	855,131
1925-26	731,082	182,086	913,168
1926-27	786,122	198,604	984,726

(Appendix D)

APPENDIX D

showing total number of boys and girls attending Secondary Schools in the Bombay Presidency from 1904-05 to 1926-27

Year				Number of pupils		Total number of pupils (Boys and Girls)
				Boys	Girls	
1904-05	..	..	..	46,290	5,753	52,043
1905-06	..	..	..	50,789	6,028	56,817
1906-07	..	..	..	52,056	5,932	57,988
1907-08	..	..	..	54,438	6,101	60,539
1908-09	..	..	..	59,514	6,338	65,852
1909-10	..	..	..	63,790	6,564	70,354
1910-11	..	..	..	65,191	6,852	72,043
1911-12	..	..	..	67,067	7,534	74,601
1912-13	..	..	..	72,011	8,133	80,144
1913-14	..	..	..	75,786	8,761	84,547
1914-15	..	..	..	57,994	8,753	66,747
1915-16	..	..	..	59,220	8,929	68,149
1916-17	..	..	..	61,513	9,037	70,550
1917-18	..	..	..	64,593	9,639	74,232
1918-19	..	..	..	68,731	10,001	78,732
1919-20	..	..	..	71,891	10,482	82,373
1920-21	..	..	..	65,431	10,821	76,252
1921-22	..	..	..	66,214	11,393	77,607
1922-23	..	..	..	67,203	11,321	78,524
1923-24	..	..	..	72,257	11,854	84,111
1924-25	..	..	..	76,113	11,990	88,103
1925-26	..	..	..	80,963	12,606	93,569
1926-27	..	..	..	86,763	13,531	100,294

(Appendix E)

APPENDIX E

Statement showing total number of students attending Arts and Professional Colleges in the Bombay Presidency from 1904-05 to 1926-27

Year							Number of Students
1904-05	..	..	..	..	..	..	3,806
1905-06	..	.	..	..	..	..	3,900
1906-07	..	..	..	..	..	..	4,270
1907-08	..	..	..	..	..	..	3,816
1908-09	..	..	..	.	..	..	3,788
1909-10	..	.	..	..	..	..	4,196
1910-11	..	..	..	.	..	..	4,458
1911-12	..	..	..	.	..	..	4,958
1912-13	..	..	..	..	..	..	5,219
1913-14	..	..	..	..	..	..	6,188
1914-15	..	..	..	..	..	..	5,032
1915-16	..	..	..	..	..	..	6,205
1916-17	..	..	..	..	..	..	6,729
1917-18	..	..	..	..	..	..	6,822
1918-19	..	..	..	..	..	..	7,398
1919-20	..	..	..	..	..	..	7,682
1920-21	..	..	..	..	..	..	7,501
1921-22	..	..	..	..	..	..	7,424
1922-23	..	..	..	..	..	..	7,991
1923-24	..	..	..	..	..	..	9,046
1924-25	..	..	..	..	..	..	9,624
1925-26	..	..	..	..	..	..	9,863
1926-27	..	..	..	..	..	..	8,647

CHAPTER III—GROWTH OF EDUCATION

(Appendix F)

APPENDIX F

Statement showing expenditure on Primary Education for the whole Presidency from 1914-15 to 1926-27

Year				Provincial Revenues	Local Cess	Municipal Funds	Fees
				Rs.	Rs.	Rs.	Rs.
1914-15	..	..	..	33,58,510	6,31,309	9,34,220	4,84,511
1915-16	..	..	..	33,56,782	7,43,534	10,52,593	4,84,109
1916-17	..	..	..	33,57,182	6,48,613	11,52,240	4,73,144
1917-18	..	..	..	36,47,470	6,53,021	12,87,187	4,65,481
1918-19	..	..	..	56,21,214	5,95,751	15,40,859	4,77,953
1919-20	..	..	..	67,00,801	5,53,290	24,02,170	5,05,642
1920-21	..	..	..	77,78,913	8,54,993	24,14,615	5,05,348
1921-22	..	..	..	98,22,378	5,82,012	27,04,946	5,17,381
1922-23	..	..	..	99,52,171	9,72,697	29,99,128	5 19,023
1923-24	..	..	..	1,10,23,017	6,35,913	31,23,931	5,75,359
1924-25	..	..	..	1,06,99,021	8,62,899	34,86,026	5,83,360
1925-26	..	..	..	1,14,84,237	7,60,153	39,03,056	5,97,913
1926-27	..	..	..	1,21 00 000	14,70 000	41,90,000	5,00,000

Year				Subscriptions	Endowments	Total	Annual cost of educating each pupil	
				Rs.	Rs.	Rs.	Total cost	Cost to Government
				Rs.	Rs.	Rs.	Rs. a p.	Rs. a p.
1914-15	..	..	..	88,055	5,83 558	60 80,103	9 1 0	4 15 0
1915-16	..	..	..	1,48,410	5,09,703	6 34 086	9 7 1	5 0 0
1916-17	..	..	..	5,82,467	1,33,943	6,34,589	9 10 2	5 1 7
1917-18	..	..	..	6,35,410	1,29,603	68 18,172	10 5 1	5 8 4
1918-19	..	..	..	7,04,542	2,05,778	91,52 097	13 7 1	8 4 1
1919-20	..	..	..	5,82,603	5,47,003	1,13,51,509	15 7 0	9 2 0
1920-21	..	..	..	8,72,408	2,95,114	1,27,21,451	16 8 0	10 2 0
1921-22	..	..	..	9,05,979	3,00,133	1 49,52,820	19 0 0	12 8 0
1922-23	..	..	..	3,31,630	9,38,558	1,57,14,407	20 0 0	12 10 0
1923-24	..	..	..	10,26,777	2,52,200	1,66,42,197	20 10 0	13 10 0
1924-25	..	..	..	12,06,741	1,49,844	1,69,87,891	20 3 0	12 12
1925-26	..	..	..	11,76 511	1,80,286	1,81,02,166	20 6 0	13 0 0
1926-27	..	..	..	15,40,000		1,98,60,000	18 12 0	11 8

(Appendix G)

APPENDIX G

Statement showing expenditure on Secondary Education for the whole Presidency
from 1914-15 to 1926-27

Year	Provincial Revenues	Local Cess	Municipal Funds	Fees
	Rs.	Rs.	Rs.	Rs.
1914-15	9,48,708	11,987	60,355	15,55,435
1915-16	9,50,428	9,596	70,791	15,87,210
1916-17	9,87,128	11,117	80,202	16,90,319
1917-18	9,56,067	7,805	73,778	18,63,251
1918-19	11,53,348	11,475	99,623	19,51,188
1919-20	14,07,485	18,708	95,932	20,49,734
1920-21	17,01,671	16,685	98,537	18,56,615
1921-22	19,29,777	21,779	89,898	22,98,227
1922-23	17,21,674	20,635	1,16,152	26,39,375
1923-24	21,09,128	13,767	1,02,392	28,26,417
1924-25	21,88,614	15,059	1,21,924	29,98,900
1925-26	22,12,234	20,122	1,92,746	32,44,725
1926-27		Details not available.		

Year	Subscriptions	Endowments	Total	Annual cost of educating each pupil	
				Total cost	Cost to Government
	Rs.	Rs.	Rs.	Rs. a. p.	Rs. a. p.
1914-15	*1,79,650	5,73,376	33,24,511	49 10 1	14 2 2
1915-16	*1,84,497	5,91,002	33,93,524	49 12 7	13 15 1
1916-17	1,75,319	6,64,453	35,97,533	50 15 5	13 11 4
1917-18	2,38,711	6,52,670	37,92,282	51 1 8	12 14 0
1918-19	2,59,992	6,96,061	41,71,687	52 15 9	13 6 0
1919-20	3,54,245	1,74,522	46,00,626	49 12 10	15 3 9
1920-21	9,47,788	3,05,656	49,26,952	64 9 2	22 4 5
1921-22	9,89,081	2,99,211	55,76,973	71 13 9	24 13 10
1922-23	9,10,370	3,85,736	57,92,962	73 12 4	21 14 9
1923-24	9,13,513	2,62,784	62,23,901	72 12 4	24 8 6
1924-25	10,14,366	2,48,788	65,87,649	75 5 10	24 3 1
1925-26	11,05,975	3,70,771	70,46,573	73 12 7	23 15 11
1926-27	Details not available.		74,50,000	74 4 6	....

* Includes amount of Rs. 12,000 from revenues of Indian States.

(Appendix H)

APPENDIX H

Statement showing expenditure on Collegiate education in the Bombay Presidency from 1914-15 to 1926-27

Year	Provincial Revenues				Local Cess		Municipal Funds		Fees	
	Rs.				Rs.		Rs.		Rs.	
1914-15	7,72,174				6,750		8,525		4,51,664	
1915-16	6,49,966				7,500		11,525		5,58,508	
1916-17	6,94,527				7,000		12,150		6,31,395	
1917-18	6,97,542				6,550		11,175		6,62,440	
1918-19	7,51,226				6,550		10,875		6,78,082	
1919-20	8,62,242				6,550		9,175		7,74,328	
1920-21	10,73,659				6,550		12,275		8,12,020	
1921-22	12,37,453				6,250		9,975		7,94,262	
1922-23	11,82,274				5,000		10,575		10,39,673	
1923-24	12,08,131				5,875		27,275		11,80,313	
1924-25	14,19,051				6,625		29,825		12,90,062	
1925-26	11,78,228				5,300		1,05,330		12,93,473	
1926-27					Figures not available.					

Year	Subscriptions	Endowments	Total	Annual cost of educating each scholar	
				Total cost	Cost to Government
	Rs.	Rs.	Rs.	Rs. a. p.	Rs. a. p.
1914-15 .. .. .	..	64,091	13,03,204	237 0 0	136 0 0
1915-16 .. .. .	..	86,781	13,14,280	210 0 0	99 0 0
1916-17	47,807	25,683	14,18,062	213 0 0	100 0 0
1917-18	37,076	18,804	14,33,587	211 0 0	98 0 0
1918-19	59,648	40,148	15,46,529	210 0 0	98 0 0
1919-20	1,14,970	43,916	18,11,181	228 0 0	100 0 0
1920-21	2,14,543	24,608	21,43,655	279 0 0	135 0 0
1921-22	2,54,745	27,674	23,30,359	317 0 0	164 0 0
1922-23	2,36,938	23,122	24,97,582	310 0 0	147 0 0
1923-24	1,76,614	27,761	26,20,969	282 0 0	126 0 0
1924-25	1,77,554	43,106	29,71,223	304 0 0	142 0 0
1925-26	2,50,415	1,29,612	29,62,358	295 0 0	113 0 0
1926-27			Figures not available.		

APPENDIX I

*List of Resolutions dealing with Educational Subjects moved in the Legislative
Council of this Presidency since the Introduction of the Reforms*

(Appendix I)

APPENDIX

List of Resolutions dealing with Educational subjects moved in the Legislative

Serial No. 1	Date of Resolution 2	Name of member and purport of Resolution 3
1	18th March 1921 .. 19th March 1921 ..	Mr. S. T. Kamblil.—Recommending that in future educational grants to Municipalities for primary education may be raised to $\frac{1}{4}$ of their annual expenditure.
2	1st August 1921 and 2nd August 1921.	Mr. D. D. Gholap.—Recommending that free and compulsory education may be brought into force specially in the interests of the Depressed classes.
3	10th October 1921 ..	Dewan Bahadur K. R. Godbole.—Recommending that the College of Engineering, Poona, may be expanded so as to admit 100 to 150 students every year instead of the then existing number of 60.
	6th October 1922 ..	Mr. G. C. Dhate.—Recommending that a rule may be included in the Grant-in-aid Code to the effect that in all schools and colleges which receive Government aid in any form whatsoever the attendance by students to any class of special religious instruction which the parents or guardians of students shall not have sanctioned would be perfectly voluntary and that no grant-in-aid should be paid to any institution which contravenes the provisions of this rule.
5	7th October 1922 ..	Mr. B. V. Jadhav.—Recommending that preference be given to qualified candidates belonging to non-Brahmin backward communities in the matter of admission to Vernacular Primary Training Institutions in the Central and Southern Divisions of the Bombay Presidency.
6	7th October 1922 ..	Mr. U. B. Trivedi.—Recommending that Government should not reduce the present rate of grant-in-aid to secondary schools.
7	13th March 1923 ..	Mr. B. V. Jadhav.—Recommending that preference may be given to candidates belonging to the non-Brahmin backward communities during the next ten years at the time of making temporary and permanent appointments in the Central and Southern Divisions of this Presidency of untrained Vernacular teachers.
8	4th August 1923 ..	Rao Bahadur R. K. Kale.—Recommending that the orders recently issued modifying the practice of allowing $\frac{1}{3}$ provisional grant-in-aid to aided secondary institutions and abolishing the system of giving supplementary grants under the Grant-in-aid Code may be rescinded and the old practice restored.

(Appendix I)

Council of this Presidency since the Introduction of the Reforms

Attitude of Government	Action, if any, taken on the Resolution	Remarks
4	5	6
The Resolution was opposed on behalf of Government and was lost.		
The attitude of Government was sympathetic and the Resolution was carried without a division in a slightly amended form so as to restrict it to primary education only.	As Government had already appointed a Committee to inquire into the whole question of free and compulsory primary education, no separate action was necessary on the Resolution.	
The attitude of Government was sympathetic and the Resolution was passed with the addition of the words "as soon as funds permit."	In compliance with this Resolution Government approved administratively in 1924 the proposal to expand the College of Engineering, Poona, so as to make it capable of admitting 100 students a year in lieu of 60 admitted at present. Extensive additions and alterations in the present Laboratories and Workshop have been carried out and those in the Drawing Hall and Library are expected to be completed shortly. The Scheme is expected to be brought into effect from June 1928 if the provision for staff, equipment, etc., which has been proposed in the Budget for 1928-29 is allowed to stand.	
After some discussion an amendment was suggested on behalf of Government to the effect that the recommendation made in the Resolution should be restricted to institutions which are either the only institutions of their kind in the neighbouring area or which are not purely denominational in the sense of refusing admission to pupils not belonging to one particular denomination. With this amendment the Resolution was passed.	The necessary rule has been inserted in the Grant-in-aid Code.	
The Resolution was opposed on behalf of Government and lost.		
After some discussion the Resolution was ruled out of order by the Honourable the President.		
The Resolution was opposed on behalf of Government and lost.		
Government were prepared to accept the Resolution so far as it related to ordinary grant, that is to say, they were not prepared to restore the system of supplementary grants. As, however, the Honourable Mover was not prepared to accept this modification the Resolution was opposed on behalf of Government. It was, however, carried by a majority. Subsequently on the 6th August a statement was made on behalf of Government that the Resolution given effect to in full.	The Resolution has been effect to and the old practice of giving supplementary grants, where necessary in addition to the ordinary grant at the rate of 1/3rd has been restored.	

(Appendix I)

APPENDIX

Serial No.	Date of Resolution	Name of member and purport of Resolution
2		
	3rd August 1923 and 4th August 1923.	Mr. C. M. Gandhi.—Recommending <i>inter alia</i> that in order to bring the educationally backward classes such as the Marathas, Muhammadans, the depressed classes and the like in a line with the advanced classes greater facilities should be provided for them to get education of all kinds.
	15th March 1924 and 17th March 1924.	Mr. G. B. Pradhan.—Recommending that the Sathe-Paranjpye Scheme for the revision of the pay of primary teachers be brought into force immediately and that the teachers serving in the Island of Salsette, Kalyan and Bassin Town should get an allowance of 20 per cent. of their salary owing to the dearness of living in these places.
11	14th August 1925	Moulvi Rasuddin Ahmed.—Recommending the establishment of Chair in Arabic at the Elphinstone College, Bombay, and lecturers in Urdu in the Government Arts Colleges at Poona and Bombay and Arabic teacher in Government Urdu High School, Poona.
12	15th August 1925	Mr. S. N. Angadi.—Recommending Government to establish an Anglo-Vernacular School for Girls at Belgaum immediately.
13	15th August 1925	Khan Saheb A. M. Mansuri.—Recommending that there should be in each Division of this Presidency at least one Muhammadan Head Master, one Deputy Educational Inspector (in addition to one Urdu Deputy) and three Assistant Deputy Educational Inspectors.
14	4th November 1925	Moulvi Rasuddin Ahmed.—Recommending that the Poona Urdu Normal classes should be converted into a full training college teaching the third year course.

(Appendix I)

Attitude of Government	Action, if any, taken on the Resolution	Remarks
4		6
The Resolution was behalf of Go- carried.	and Specialscholarships, free-student- ships, reservation of seats in Government educational insti- tutions, etc., have been sanc- tioned by Government.	
After some discussion an amend- ment was moved by Mr. A. N. Surve to the effect that the subject matter of this Resolu- tion be postponed and that a mixed Committee with a non- official majority be appointed to report on certain issues. The amendment was supported on behalf of Government and was carried.	In accordance with the amend- ment passed by the Legislative Council a Committee was ap- pointed and the recommenda- tions of that Committee were accepted by Government.	
It was pointed out on behalf of Government that a teacher of Arabic would be appointed shortly in the Anglo-Urdu High School, Poona, (2) that the number of students in Persian and Urdu classes being very small, the Professor of Persian would easily deal with both the classes. The teachers in Persian would also deal with the Urdu classes and that as regards the establishment of a chair in Arabic in the Elphinstone College Government were waiting for a suitable man.		The question of establishing a chair in Arabic is to be con- sidered in connection with the proposals for staff that may be required for the proposed Arts College at Andheri. Owing to financial stringency it has not been found possible to make any provision for a Lecturer in Urdu at the Deccan College, Poona. As for a Lecturer in Urdu for the Elphinstone College, Government do not consider that there is any necessity for one.
The Resolution was opposed behalf of Government and lost.		As regards the entertainment of an Arabic teacher in the Anglo- Urdu High School, Poona, a temporary post of Arabic teacher on Rs. 60 per mensem has been sanctioned at the school with effect from 1926- 27. The post has been sanctioned temporarily because the general question whether the posts of language teachers should be treated as part-time and non-pensionable has been raised and is under consider- ation.
The attitude of Government was		Orders have been issued to the effect that Government cannot act upon the letter of this resolution but they accept its spirit, i.e., Muhammadans will be appointed as Head Masters and Deputy and Assistant Deputy Educational Inspectors in each division to the extent recommended in the resolution provided that suitable and qualified Muhammadan candi- dates are available. Govern- ment have since appointed one Muhammadan to the post of Head Master in the Northern Division.
The Resolution was opposed behalf of Government and lost.		

(Appendix I)

APPENDIX

Serial No.	Date of Resolution	Name of member and purport of Resolution
	2	
	4th November 1925	Mr. S. A. Sardesai.—Recommending that taking into consideration the pecuniary hardships of primary teachers in the Presidency they should be paid according to the Bathe-Paranjpye Scheme from March 1923.
16	4th November 1925	Mr. R. G. Pradhan.—Recommending that in view of the recommendations of the Auxiliary and Territorial Forces Committee immediate steps be taken to teach elementary military drill and in general to impart military education in high schools.
17	5th November 1925	Khan Sahab A. M. Mansuri.—Recommending to Government that the proposal made by the University Reforms Committee regarding removal of the Ismail College from Andheri to the Fort should not be given effect to.
18	5th November 1925	Khan Sahab A. M. Mansuri.—Recommending to Government that opening of the Ismail College at Andheri be expedited.
19	20th March 1926	Khan Sahab A. M. Mansuri.—Recommending to Government to count for purposes of increment the past services of those primary teachers who had resigned on account of the Non-Cooperation Movement and who have rejoined as primary teachers in view of the fact that Government have ruled that the past services of teachers who have reverted from national schools shall count for increment of their salaries.
	20th March 1926	Mr. S. S. Dev.—Recommending to Government that in view of the pecuniary hardships of the primary teachers they should be paid according to the Bathe-Paranjpye Scheme from March 1923.
	4th August 1926	Do. do.

(Appendix I)

I—contd.

Attitude of Government	Action, if any, taken on the Resolution	Remarks
4		6
After some discussion the Resolution was postponed to the next session.		
It was explained on behalf of Government that until the Government of India had given their decision on the Committee's report and as the subject "Military Training" is central the Bombay Government could take no action. An assurance, however, was given that the Government of Bombay would do all that lay in their power to see that the interests of Bombay are furthered in this respect as much as possible. They also undertook to send the proceedings of the Council with regard to the Resolution to the Government of India. The Resolution was accordingly withdrawn.	The proceedings of the Legislative Council were accordingly forwarded to the Government of India.	
The Resolution was accepted on behalf of Government and carried.	Government decided not to move the college from Andheri to the Fort and the requisite orders were issued.	
On an assurance having been given on behalf of Government that all possible delay in constructing college buildings will be avoided the Resolution was withdrawn.	The requisite action has been taken. The buildings are now nearly completed.	
On an assurance given by the Honourable Minister for Education on behalf of Government that due consideration would be given to the cases of teachers concerned if they made their representations to Government, the Resolution was withdrawn.	The requisite action has been taken on the representations received from the teachers.	
After some discussion the consideration of the Resolution was postponed to the next session.		
The Honourable the Minister of Education made it clear that Government could take no action on the Resolution until the Council voted the extra funds required and empowered the Government to force local bodies to give their masters the increased rates of pay. Nevertheless the resolution was carried.	In anticipation of further pressure from the Legislative Council information has been collected regarding the extra cost which would devolve on Government and the local authorities if the Sathe-Paranjpye scheme is given effect to and the question is under consideration.	

CHAPTER III—GROWTH OF EDUCATION

(Appendix I)

APPENDIX

Serial No.	Date of Resolution	Name of member and purport of Resolution
	2	3
	6th August 1927	<p>Mr. K. F. Nariman.—Recommending that a Committee consisting of the gentlemen mentioned in the Resolution be appointed to examine in all its aspects the Primary and Secondary education now prevailing in this Presidency with a view</p> <p>(a) (i) to co-ordinate and re-organise the same on modern lines</p> <p>(ii) to reduce the number of years taken up by the courses of primary and secondary education ;</p> <p>(iii) to consider these courses with the object of removing the duplication of studies in vernacular and English ;</p> <p>(iv) to introduce manual and vocational courses ; and</p> <p>(v) to consider the steps for introducing compulsory medical inspection and physical training in primary and secondary schools ;</p> <p>(b) to consider the question of the cost of the revised schemes with special reference to the funds available at present, and to explore the ways and means to raise further funds ;</p> <p>(c) to report on such other matters germane to the above questions as may be considered necessary.</p>
23	18th December 1927	<p>Dr. M. K. Dixit.—Recommending that as the rules regarding the use of text books in recognised schools in this Presidency have been found unsatisfactory they may be modified on the following lines :—</p> <p>(1) Headmasters should be allowed full discretion in the selection and use of text books, library and prize books in their schools, the Educational Department having a veto, which should be exercised on moral and political grounds and should state the objections against any book in detail.</p> <p>(2) As regards the suitability of a book from the educational point of view, the Department should have the power of recommendation only.</p> <p>(3) That the headmasters of recognised schools should not be required to make a declaration, in their annual return to the Department, to the effect that they use only sanctioned books.</p>

*(Appendix I)*1—*conold.*

Attitude of Government	Action, if any, taken on the Resolution	Remarks
<p>After some discussion the consideration of the Resolution was postponed to next session. The Resolution was further discussed on the 8th October 1927. As Government have already decided to appoint two committees, one for considering the question of physical training of pupils in Primary and Secondary Schools in the Bombay Presidency, and the other for considering and reporting on (a) the re-organisation of Primary and Secondary school courses with a view to their co-ordination, etc., and (b) the introduction of vocational and industrial training in Primary and Secondary schools, the Resolution was opposed on behalf of Government and lost.</p>		6
<p>After some discussion the Resolution was opposed on behalf of Government and lost.</p>		

(Appendices J and K)

APPENDIX J

Cases of tendency to make appointments under School Boards on communal lines

1.	District	Local Board, East Khandesh.
2.	"	" " Sholapur.
3.	"	" " Ahmednagar.
4.	"	" " Nasik.
5.	"	" " Dharwar.
6.	"	" " Ratnagiri.
7.	"	" " Karachi.
8.	"	" " Hyderabad.
9.	"	" " Larkana.
10.	"	" " Sukkur.
11.	"	" " Upper Sind Frontier.
12.	"	" " Poona.

Where the non-Brahmins have had a majority, they have almost in every case attempted to oust the Brahmins regardless of all considerations of efficiency. The manoeuvre in Poona was to attempt to instal a Brahmin permanently, that is, for a period longer than the usual period of appointment, viz., three years.

N.B.—District Local Boards in Gujarat have refused to take control of schools.

APPENDIX K

Arrears of collection of revenue in municipalities in the Presidency including Sind

Year	Arrears				
					Rs.
1918-19 6,39,435
1919-20 6,06,334
1920-21 9,51,036
1921-22 12,45,308
1922-23 14,09,436
1923-24 15,89,654
1924-25 14,83,153
1925-26 13,21,713

Similar information is not available in the case of District Local Boards as all revenue except perhaps in the case of new toll bars is collected by the revenue authorities.

Prior to the year 1922-23 information as to the number of municipalities in which Councillors were found to be in arrears is not available. For the years 1922-23 to 1925-26 the figures are as follows:—

Year	Number of municipalities in which councillors themselves were in arrears in regard to the payment of municipal taxes			
1922-23	10
1923-24	27
1924-25	18
1925-26	21

(Appendices L, M and N)

APPENDIX L

Statement showing the number of cases of embezzlement, misappropriation and other financial irregularities in connection with local funds of both municipal and district local boards

1916-17	..	..	..	..	..	3
1917-18	..	..	..	..	..	5
1918-19	..	..	..	..	..	15
1919-20	..	..	..	..	..	19
1920-21	..	..	..	..	..	30
1921-22	..	..	.	..	..	16
1922-23	..	..	..	..	..	33
1923-24	..	..	..	..	..	40
1924-25	..	..	..	..	..	51
1925-26	..	..	..	..	..	62

In all there are 156 mofussil municipalities, 27 district local boards and 222 taluka local boards in the Presidency.

APPENDIX M

Instances in which efforts have been made to secure special consideration for a section of the public

(1) Persistent demand for scholarships, hostels, schools and colleges on communal lines.

(2) Attempt to throw open free studentships in such a manner that the bulk of the Marathas of the three Konkan Districts would be benefited, the process being definition of the term poor so as to include almost the entire Maratha population in these three districts.

(3) Demand for reservation of seats in Government High and Middle schools for the Intermediate and Backward Hindu Castes and the Muhammadans.

APPENDIX N

Cases in which School Boards and Local Authorities have come into conflict owing to communal or personal friction

(1) *Surat Municipality*.—Cause of conflict primarily political. There are two parties in the School Board, one led by the Chairman of the Board, Dewan Bahadur Thakoreram Kapilram and holding moderate views and the other led by Dr. Dixit who is an ardent Swarajist. The conflict between these two schools of thought has been so intense that the working of the School Board has been interfered with seriously, both parties resorting to a pin-pricking policy.

(2) *Broach Municipality*.—The Swarajists are in a majority on the School Board while the Local Authority (i.e., the Municipality) are not prepared to go so far.

(Appendix O)

Actual clash occurred over the question of introduction of two text books into the school curriculum. The Swarajists approved and introduced these text books. The Local Authority required the cancellation of this order and enforced their demand by withholding supplies.

(3) *Belgaum District Local Board*.—The friction is due chiefly to personal rivalry between two members of the non-Brahmin party: Mr. Chikodi and Rao Bahadur Angadi. As a result educational affairs are in a bad way.

(4) *Sholapur District Local Board*.—Friction between the Chairman of the School Board and the President of the District Local Board—both of whom are Marathas—representing different schools of thought. The Administrative Officer, an experienced Government servant, whose services were lent to the Local Authority, was forced to take leave preparatory to retirement to escape from an impossible position.

This District Local Board has since been superseded, after due enquiry, for gross mismanagement and mal-administration.

(5) *Nasik District Local Board*.—Frequent transfers of primary school teachers in order to provide the majority of the postal allowances to teachers belonging to the Non-Brahmin classes have caused considerable discontent among the teachers.

The School Board was formed on 1st October 1925. By the middle of May 1926 the post of Administrative Officer had been held by two officers, the services of both of whom were not approved. A third man with no previous experience and without the qualifications requisite for the post was appointed in May 1926 but his services had to be dispensed with owing to the refusal of Government to approve the appointment.

The Special Officer appointed to enquire into the working of the Nasik District Local Board states in his report that "the school board is now in the control of a body which is totally unfitted to be entrusted with such a charge."

APPENDIX O

Statement showing the number of European Schools and Special Institutions in the Bombay Presidency during the years 1906-07, 1911-12, 1916-17 and 1921-22 to 1925-26

Year	Primary and Middle Schools		High Schools		Normal Classes	Industrial, Commercial and other classes	Total
	Boys	Girls	Boys	Girls			
1906-07	11	12	8	11	4	1	47
1911-12	8	12	11	12	4	2	49
1916-17	11	6	11	13	3	3	47
1921-22	7	9	10	14	3	2	45
1923-23	10	5	9	14	3	2	43
1923-24	9	6	9	13	3	1	41
1924-25	8	5	8	12	3	1	38
1925-26	6	6	9	13	3	1	38

(Appendices P and Q)

APPENDIX P

Statement showing the number of pupils attending European Schools in the Bombay Presidency during the years 1906-07, 1911-12, 1916-17 and 1921-22 to 1925-26

Year	In Secondary Schools		Normal, Commercial or other schools	Total	Europeans and Anglo-Indians	Indians
	Males	Females				
1906-07 ..	1,728	1,948	49	3,725	3,351	343
1911-12 ..	1,906	2,151	87	4,044	3,666	378
1916-17 ..	2,036	2,370	86	4,492	3,923	569
1921-22 ..	2,060	2,529	111	4,700	3,945	755
1922-23 ..	2,033	2,509	94	4,636	3,879	757
1923-24 ..	1,947	2,489	72	4,508	3,601+72	835
1924-25 ..	1,849	2,387	78	4,314	3,464+78	772
1925-26 ..	1,959	2,603	93	4,745	3,737+93	915

APPENDIX Q

Statement showing the number of Europeans and Anglo-Indians under instruction in various classes of schools and colleges and other Institutions in the Bombay Presidency during the years 1906-07, 1911-12, 1916-17, and 1921-22 to 1925-26

Year	In Primary Schools		In Secondary Schools		In special schools (Industrial, Commercial, etc.)	
	Males	Females	Males	Females	Males	Females
1906-07 ..	5	2	1,980	2,004	30	33
1911-12 ..	8	5	2,423	2,188	41	67
1916-17 ..	4	4	2,483	2,359	53	71
1921-22 ..	3	1	2,150	2,438	50	56
1922-23 ..	....	....	2,058	2,513	30	48
1923-24 ..	....	....	1,954	2,542	53	67
1924-25 ..	....	....	1,787	2,496	57	82
1925-26 ..	....	....	1,954	2,756	70	85

Year	Arts and Science Colleges		Professional Colleges		Total		Grand Total
	Males	Females	Males	Females	Males	Females	
1906-07 ..	18	5	57	15	2,060	2,059	4,149
1911-12 ..	21	7	45	6	2,536	2,373	4,911
1916-17 ..	35	9	29	2	2,603	2,445	5,048
1921-22 ..	39	5	6	6	2,377	2,406	4,783
1922-23 ..	44	....	31	..	2,308	2,506	4,799
1923-24 ..	57	....	18	..	2,022	2,309	4,331
1924-25 ..	35	....	14	..	1,998	2,578	4,571
1925-26 ..	37	....	11	..	2,073	2,541	4,613

(Appendices R and S)

APPENDIX R

Statement showing the number of pupils (European and Indian) under instruction at various stages of education in European Schools in the Bombay Presidency during the years 1906-07, 1911-12, 1916-17 and 1921-22 to 1925-26

Year	Primary Stage	Middle Stage	High Stage	Higher or special education	Total	Europeans	Indians
1906-07	2,460	718	496	49	3,723	3,381	342
1911-12	2,687	964	306	87	4,044	3,666	378
1916-17	2,613	1,124	369	86	4,492	3,923	569
1921-22	3,072	1,188	319	111	4,690	3,945	755
1922-23	}			Figures not available.			
1923-24							
1924-25							
1925-26							

APPENDIX S

Statement showing the number of Europeans and Anglo-Indians at various stages of instruction in all kinds of schools in the Bombay Presidency from 1922-23 to 1925-26

Year	Primary Stage	Middle Stage	High Stage	Special Schools	Arts and Science Colleges
1906-07	}		Figures not available.		
1911-12					
1916-17					
1921-22					
1922-23	3,352	945	279	128	44
1923-24	3,204	881	411	120	57
1924-25	3,120	878	285	139	85
1925-26	3,887	1,011	342	155	37

Year	Professional Colleges	Total	In European Schools	In Non-European Schools
1906-07	}		Figures not available.	
1911-12				
1916-17				
1921-22				
1922-23	21	4,769	3,879	890
1923-24	18	4,691	3,673	1,018
1924-25	14	4,471	3,542	929
1925-26	11	4,913	3,830	1,083

(Appendices T and U)

APPENDIX T

Statement showing the expenditure incurred on European Schools during certain periods (1906-07, 1911-12, 1916-17 and 1921-22 to 1925-26).

Year	Public		Private	
	Government Funds	Local Funds	Fees	Subscriptions, donations and other sources
	Rs.	Rs.	Rs.	Rs.
1906-07	1,24,682	780	1,41,141	1,63,886
1911-12	2,08,907	1,220	2,29,554	2,51,917
1916-17	4,27,213	1,450	2,88,253	3,90,431
1921-22	4,50,235	1,070	5,74,021	3,79,034
1922-23	4,46,248	800	5,81,959	3,11,229
1923-24	5,48,859	1,090	5,81,602	2,96,518
1924-25	5,19,183	....	5,68,826	3,54,530
1925-26	4,95,737	....	5,13,613	3,76,745

Year	Total	Annual cost per pupil	Annual tuition fees per pupil
	Rs.	Rs.	Rs. *
1906-07	4,30,489	....	....
1911-12	6,91,598	....	....
1916-17	11,07,347	141.5	44
1921-22	14,04,360	186.5	64
1922-23	13,20,236	176.0	66
1923-24	14,28,069	190.0	68
1924-25	14,42,539	205.0	....
1925-26	13,86,095	207.0	....

APPENDIX U

Statement showing the number of hostels and boarders in European Schools and the amount of Government grants given during the years 1916-17, 1921-22 and 1926-27

Year	Number of Hostels			Number of boarders			Total number European Schools	Government grants on account of orphans and destitute boarders	
	For boys	For girls	Total	For boys	For girls	Total		Number of boarders	Government grants
									Rs.
1916-17 ..	8	14	22	603	910	1,513	4,492	546	58,819
1921-22 ..	10	17	27	599	960	1,559	4,700	665	95,695
1926-27 ..	9	16	25	707	1,014	1,721	4,921	655	1,06,473

(Appendix V)

APPENDIX V

Statement showing the number of trained and untrained teachers in European Schools during the years 1922-23 to 1925-26

Year	Institutions for males							
	Trained				Untrained			
	Middle School	High School	Special School	Total	Middle School	High School	Special School	Total
1906-07 ..	}							
1911-12 ..								
1916-17 ..								
1921-22 ..								
				Figures not available.				
1922-23 ..	8	32	..	35	36	72	1	109
1923-24 ..	6	38	..	44	30	55	..	85
1924-25 ..	9	34	..	43	20	46	..	66
1925-26 ..	10	35	..	45	14	62	..	76

Year	Institutions for females							
	Trained				Untrained			
	Middle School	High School	Special School	Total	Middle School	High School	Special School	Total
1906-07 ..	}							
1911-12 ..								
1916-17 ..								
1921-22 ..								
				Figures not available.				
1922-23 ..	5	48	10	63	23	152	11	186
1923-24 ..	5	76	8	89	25	120	13	161
1924-25 ..	11	99	14	124	15	100	8	123
1925-26 ..	18	107	10	135	13	98	9	120

CHAPTER IV.—DEVELOPMENT AND WORKING OF REPRESENTATIVE INSTITUTIONS

PART I—Development of Representative Institutions

GENERAL

CLASSES OF LOCAL SELF-GOVERNMENT INSTITUTIONS.

99. The local self-government institutions in this Presidency consist of :

- (1) Municipalities ;
- (2) Local Boards ;
- (3) Village Panchayats ;
- (4) Notified Areas ;
- (5) Sanitary Committees ;
- (6) Sanitary Boards ; and
- (7) Cantonments.

Of these, Nos. 1 to 6 are transferred subjects administered by the Minister for Local Self-Government and No. 7 "Cantonments" is a central subject administered by the Government of India.

100. There are three different classes of municipalities governed by three different Acts : (1) the Municipality for the City of Bombay which is governed by the City of Bombay Municipal Act of 1888. The Act applies to the City of Bombay with its seven wards containing a total population of 1,175,914 and a total electorate of about 119,000. (2) Municipal boroughs constituted or the bigger towns and cities in the mofussil for which the municipal law applicable to smaller mofussil towns was found inadequate. These are governed by the Bombay City Municipalities Act of 1925. The cities and towns for which the Act was originally devised are specified in the schedule to the Act, and Government have power to extend the Act to other cities and towns and to exclude, if necessary, any city or town mentioned in the schedule from the operation of the Act. There are at present 28 such municipal boroughs in the Presidency with a total population of 1,409,134. (3) District municipalities which include all municipalities in the mofussil which are not municipal boroughs governed by the City Municipalities Act of 1925. These are governed by the Bombay District Municipal Act of 1901. No place can be declared to be a municipality under this Act which has a population of less than 2,000. There are at present 128 district municipalities in the Presidency with an aggregate population of 1,268,373. The total number of voters in all mofussil municipalities governed by both the Acts of 1901 and 1925 is 505,091.

101. Local Boards are divided into two classes—district local boards and taluka local boards—and are governed by the LOCAL BOARDS. Bombay District Local Boards Act of 1923. There is a district local board for every district, having jurisdiction over the entire district, and a taluka local board for every taluka having

(General)

jurisdiction over the taluka. Municipal and cantonment areas in each district are excluded from the jurisdiction of the local boards of the districts and talukas. There are at present 27 district local boards and 222 taluka local boards in the Presidency with a total population of 15,272,977. The total electorate for the district local boards is 250,168, and for taluka local boards 1,091,464.

102. Village Panchayats are constituted under the Bombay Village Panchayats Act, 1920. For the purposes of the Act, "village" means any local area declared to be a village. Such declaration is made by the Commissioner on application in writing being made either by the district local board after previous notice to the Collector or by the Collector after previous notice to the district local board. A village panchayat is constituted for every village as defined above and has jurisdiction in respect of minor matters of local interest. There are at present 227 village panchayats in the Presidency with a population of 683,814.

103. Notified Areas are municipalities in miniature intended to meet the needs of areas intermediate in size and importance between the village and the town. They are constituted under section 187 of the Bombay District Municipal Act, 1901, which enables the Governor in Council to constitute a notified area by notification declaring that with respect to some or all of the matters upon which a municipal fund may be expended, improved arrangements are required within that area. No place can be declared a Notified Area unless it contains a town which is the headquarters of a taluka or is within a distance of one mile from a railway station. There are at present 12 Notified Areas in the Presidency with a total population of 66,661. The members of a Notified Area Committee are appointed by Government.

104. Sanitary Committees are constituted under the Bombay Village Sanitation Act, 1889, for the purposes of improving the sanitary condition of villages. A Sanitary Committee consists of three or more adult householders, residents of the village, chosen with their consent by the Collector, of whom the Police Patil (village headman) is one. Sanitary Boards are constituted for similar purposes under the same Act in areas to which the provisions of the Act relating to them are extended. Members of a Sanitary Board are appointed by the Collector from persons resident within or near the area which is subject to the Board's authority and holding property therein. In 1925-26 there were 506 Sanitary Committees and Boards in the Presidency.

105. Cantonments are governed by the Cantonments Act of 1924. Under section 3 of that Act, any place or places in which any part of His Majesty's forces are quartered may be declared to be a cantonment by the Governor-General in Council. The affairs of each cantonment are administered by a Cantonment Board. The Boards ordinarily consist of members

(Municipalities)

elected and nominated in equal proportion. There are at present nine cantonments in the Presidency with a population of 129,889 and a total electorate of about 10,000.

POPULATION IN MUNICIPAL AND CANTONMENT AREAS. 106. The total population of the Bombay Presidency is 19,348,219. Of these 4,001,753 or 20·6 per cent. live in municipal and cantonment areas.

MUNICIPALITIES

HISTORY OF THE GROWTH OF DISTRICT MUNICIPALITIES

Constitution and Franchise

107. Up to 1850 local self-government as it is now understood was practically non-existent in the Bombay Presidency. PRIOR TO 1873. By Act XXVI of that year a beginning towards the establishment of local self-government was made. The Act provided for the establishment of a municipal agency in any town or suburb on the application of its residents. The agency was the Magistrate assisted by a committee of members appointed and removable from office by the Governor or the Governor in Council. By Act IX of 1862 it was laid down that all Collectors, Sub-Collectors, Assistant and Deputy Collectors, Mamlatdars and Mahalkaris should be *ex-officio* Commissioners of every municipality within the limits of their jurisdiction. Certain other Government officers were also made *ex-officio* Commissioners when resident in any city, town or suburb in which a Municipal Commission was established, subject to the proviso that the number of *ex-officio* Commissioners should not exceed one-third of the total number of non-official Commissioners of a municipality.

108. An important advance was made by Bombay Act VI of 1873 which repealed the Acts of 1850 and 1862. By this ADVANCE MADE IN 1873. Act, municipalities were made bodies corporate capable of holding and conveying property and of suing and being sued in their corporate capacity. Municipalities in municipal districts containing not less than 10,000 people were called city municipalities and those containing not less than 2,000 inhabitants (which was the minimum population necessary for the constitution of a municipal district) were called town municipalities. City municipalities consisted of two-thirds non-official members appointed by Government and one-third Government officials *ex-officio*. The Act also provided that the Governor in Council might, if he thought fit, direct the whole or any part of the non-official Commissioners to be appointed by election.

It was not, however, till 1882 that the elective INTRODUCTION OF ELECTIVE ELEMENT. element was actually introduced in the case of city municipalities. There were at the time only ten city municipalities, namely, Poona, Sholapur, Ahmednagar, Ahmedabad, Broach, Surat, Karachi, Hyderabad, Shikarpur and Sukkur, and it was decided that in each of these municipalities one-half of the total number of Commissioners should be elected, each town being divided into wards which were to return one member each. Power

(Municipalities)

was given to the Governor in Council to make rules relating to elections, including rules prescribing the qualifications of electors. The qualification for a vote was the payment of any direct tax, whether Government, Local Fund or Municipal. Members could be removed from office by the Governor in Council for reasons mentioned. Town municipalities consisted of certain Government officials *ex-officio* and non-official members not exceeding 12 nominated by Government. The Collector was President of both the town and the city municipalities in each district. Bombay Act VI of 1873 was extended to Sind with effect from the 1st October 1878 by Bombay Act I of 1879.

109. Three years later, in May 1882, Lord Ripon issued his famous Resolution on Local Self-Government. As a result of the policy laid down in that Resolution, a Supplementary Municipal Act No. II of 1884 was passed, raising the elective element in all municipalities to one-half. Under this Act there were to be no *ex-officio* members as under Act IX of 1862 and not more than one-half of the nominated members could be salaried servants of Government. The distinction between town and city municipalities was abolished. The qualifications of voters were left to be prescribed by rules, but under section 12 all Fellows and graduates of a University, all pleaders holding sanads from the High Court, all Jurors and Assessors, all Honorary Magistrates resident within the municipal district, and all persons paying municipal taxes of the prescribed amount were qualified to be voters. The Act provided that the President should be one of the members of the municipality and appointed by Government, or, if the Governor in Council so directed, elected by the municipality. If the President was a salaried servant of Government, the Vice-President was to be elected from among the members by the municipality.

110. After several years of working of the Acts of 1873 and 1884, it was found necessary to enlarge the scope of these bodies, and, as a result, the Bombay District Municipal Act of 1901 was passed. The elective element was fixed at a minimum of one-half of the total number of members. It was left to Government to increase by executive orders the elective element beyond the minimum fixed if they thought fit to do so. The Act also empowered Government to permit any municipality to elect its own President and the distinction between town and city municipalities was revived in part as it was thought that large cities in which scientific systems of sewerage and water supply were introduced required a more elaborate organisation than towns with small populations and resources, and that it was necessary that their executives should be given special powers.

111. Provision was made to enable city municipalities to appoint a Chief Executive Officer (and if necessary a Health Officer and an Engineer) with certain powers conferred by the Act itself. In 1908, by which time a large number of non-official members

FURTHER ADVANCE
MADE IN 1884.

STILL FURTHER AD-
VANCE MADE IN 1901.

ELECTIVE ELEMENT
INCREASED TO TWO-
THIRDS IN 1908.

(Municipalities)

had gained some experience of the working of municipal administration, Government came to the conclusion that the time had arrived when the elective element on the Boards of mofussil municipalities could be safely increased. They accordingly directed by executive orders that in future, as a general rule, two-thirds of the members of district municipalities should be elected. It was intended that in the first instance this rule should apply only to municipal areas with a population of at least 15,000 and should be subject to any exclusions which the Commissioners of Divisions might recommend on special grounds.

**MUNICIPALITIES
GIVEN THE PRIVILEGE
OF SELECTING THEIR
OWN PRESIDENTS.**

It was also declared that the privilege of selecting their own Presidents would be conferred generally on all municipalities not excepted for special reasons. This privilege was subject to the proviso that the selections should be approved by two-thirds of the whole body of councillors.

112. The question of the representation of minorities was also considered at the same time. It was thought that the system of communal representation was beset with practical difficulties and might stir up sectional animosities. It was, therefore, considered sufficient to reserve power to the Governor in Council of nominating one-third of the councillors as in the past to secure representation of those classes which, for any reason, were unable to elect candidates of their own and it was not till 1917 that Government decided, for the first time, to adopt the principle of communal representation in the case of municipalities in Sind.

**REPRESENTATION
OF MINORITIES: COMMUNAL REPRESENTATION.**

113. Government also directed that it was essential that when the official element in municipalities was reduced or altogether withdrawn, the executive authority of the municipalities should be strengthened; and the necessity of delegating the widest possible powers to the Chief Officers while retaining effective control over the administration in their own hands, was impressed upon all city municipalities. It was suggested that in addition to the powers expressly conferred on the Chief Officer by sections 184 and 185 of the Bombay District Municipal Act of 1901, city municipalities should invest their Chief Officers with wide powers by rules under section 46 of the Act. It was considered that in the initial stage of the working of the liberalised constitution, Government servants with some standing and experience should be appointed as Chief Officers in order to secure good municipal government. This rule was, however, relaxed in 1909 when Government declared that in future city municipalities would be allowed a free hand in regard to the filling up of the appointment of Chief Officer, subject to the control vested in Government under sections 177 and 182 of the Act. It was at the same time decided that such of the city municipalities as had not employed Chief Officers should be required to appoint them. As regards municipalities other than city municipalities to which the privilege of the extended

**STRENGTHENING OF
MUNICIPAL EXECUTIVE
AUTHORITY.**

(Municipalities)

franchise (two-thirds elective element) had been conceded, Government directed that the Chief Executive Officer should be a Government Officer and they also impressed upon the municipalities the necessity of delegating to their Chief Officers the widest possible powers while retaining in their own hands effective control over the general course of administration. In 1918, Government agreed, subject to certain conditions, to subsidise municipalities to the extent of paying one-third of the pay of their Chief Executive Officers. They also declared that in the case of municipalities which appointed a Government servant as their Chief Executive Officer, they would be prepared to subsidise the municipalities further by making a grant equivalent to the Chief Executive Officer's pension and leave contribution. These orders were intended to apply to appointments of Municipal Commissioners also. Instructions were also issued to Commissioners of Divisions asking them to recommend freely an increase in the elective element in the case of those municipalities in which fresh elections were to be held.

114. The next considerable advance in municipal self-government was made in September 1920. Government came to the conclusion that the time had arrived for taking a distinct step forward in the direction of liberalising the constitution of municipalities so far as it could be effected under the provisions of the Bombay District Municipal Act, 1901, and they directed, by executive orders, that the following measures should be taken :—

- (1) to enfranchise a considerably larger proportion of the population of each municipal district by reducing the qualifying tax ;
 - (2) to increase the number of councillors ;
 - (3) to fix the proportion of nominated councillors at one-fifth of the total number of councillors ;
 - (4) to adopt, as far as local conditions permitted, the system of multiple-seated constituencies with a cumulative right of voting.
- Government also, at the same time, conferred on all municipalities the privilege of electing their own presidents.

Several municipalities were re-constituted on the basis of a very wide franchise, the qualifying tax in some cases being fixed at as low a figure as annas 8 per annum. The maximum qualifying tax in the Presidency proper was Rs. 4 per annum. The object of introducing into municipalities the system of multiple-seated constituencies with a cumulative right of voting was to secure due representation of minorities which had hitherto been either inadequately represented or not represented at all in the elections. In the course of the re-constitution of some of the municipalities, Government came to the conclusion that this object would not be wholly fulfilled if municipal districts were divided into numerous wards with only two seats in each ward. They, therefore, directed in May 1921 that the distribution of wards should be so arranged as to ensure that each ward should return at least three members so that small and scattered minorities might have a fair chance in the elections.

*(Municipalities)***115. The question of the extension of the franchise in municipal areas**

EXTENSION OF THE FRANCHISE IN 1921. The question was further considered in 1921. It was thought that the simplest plan would be to enfranchise all tax-payers and all voters on the roll of voters for elections to the Bombay Legislative Council resident within the municipal district or within two miles from the limits thereof, and to abolish all other qualifications. Certain modifications were considered necessary in the peculiar circumstances of the municipalities in Sind. The following model Election Rule was finally issued by Government :—

“ 6. (1) In addition to the persons declared by Section 12 of the Act to be qualified to be entered in the list of voters, every person, whether of the male or female sex, who on the first day of April next preceding the date on which the list of voters is required by the rules to be prepared or revised had a place of residence within the municipal district or within two miles from the limits thereof and—

(a) whose name is entered in the current electoral roll or part thereof, prepared for the municipal district as constituting or forming part of a general constituency and published under regulation 6 (3) of Part II of the Bombay Electoral Regulations, or

(b) who has paid any tax imposed by the municipality within the municipal district other than octroi, toll or a qualifying tax within the meaning of explanation 2 to section 12 of the Act, or

(c) who, in any municipal district in Sind—

(i) on the 1st day of April preceding the aforesaid date occupied as owner or tenant in the municipal district a house or building, or part of a house or building separately occupied, as a dwelling or for the purpose of any trade, business, or profession of which the annual rental value was not less than Rs. 24, if in such municipal district a tax is based on the annual rental value of houses or buildings, or if no tax so based is levied, of which the capital value was not less than Rs. 200, or

(ii) on the 1st day of January next preceding the aforesaid date held in his own right or occupied as a permanent tenant or as a lessee from Government alienated or unalienated land in the municipal district on which in any one of the five years preceding the aforesaid date an assessment of not less than Rs. 16 land revenue had been paid or would have been paid if the land had not been alienated, or

(iii) on the 1st day of January aforesaid was the alienee of the right of Government to the payment of land revenue amounting to not less than Rs. 16 leviable in respect of land so alienated and situate within the municipal district, shall, subject to the provisions of the Act or of any other law for the time being in force, be qualified to be entered in the list of voters. ”

116. Collectors were at the same time asked to revise the Election

EFFECT OF EXTENSION OF FRANCHISE.

Rules of the municipalities within their respective districts in accordance with the model election rule quoted above, and to submit the rules as revised to the Commissioners for the sanction of Government. As a result of this action the franchise was considerably broadened, as appears from the fact that whereas in 1919 only 167,000 out of a total population of 2,375,000 within municipal limits in the Bombay Presidency (excluding Bombay City) were entitled to vote at municipal elections, the number now enjoying the privilege is 505,091 approximately out of a total municipal population of 2,677,507. The electorate which represented only 7 per cent. of the municipal population in 1920 increased to 18·8 per cent. in 1926.

(Municipalities)

117. Another question which was considered at the same time as the extension of the franchise in 1921 was that of the representation of minorities. It has already been stated that prior to the introduction of the Reforms, the Government of Bombay were opposed to the system of communal representation for the purposes of the municipal franchise in the Presidency proper. But after the formation of special communal electorates for elections to the Legislative Council, the principle of separate representation for Muhammadans in connection with elections to municipal boards was accepted by Government. The model election rules for municipalities were, therefore, revised so as to provide for special wards for Muhammadans. Of the 157 municipalities in the Presidency, all except 11 now possess separate wards for Muhammadans.

118. In July 1922 Government decided that in future Municipalities should be allowed a free hand in the matter of the selection and appointment of their Chief Officers subject to the control vested in Government under sections 177 and 182 of the Bombay District Municipal Act, 1901. Grants-in-aid paid to municipalities on account of salaries of their Chief Officers were, therefore, discontinued from April 1923.

119. Up to 1924 women were disqualified from being elected as councillors of municipalities. This disqualification was removed by Bombay Act IV of 1924.

120. The Bombay City Municipalities Act of 1925 marked a still further advance in the development of municipal government in the Presidency. The Act is intended to provide a more adequate basis for municipal administration in the larger cities of the Presidency and applies only to the bigger municipalities which are specified in Schedule I to the Act. Experience had shown that the Bombay District Municipal Act of 1901 did not adequately provide for the needs of the larger municipalities. It was found that in the larger cities executive administration could no longer be efficiently carried on by the managing and other committees of municipalities. They might determine questions of policy and exercise a general control over the municipal staff but the executive powers must be exercised largely by a permanent staff, and it was necessary to define with greater clearness the powers of the executive and to secure proper supervision and control by the appointment of a responsible executive officer, with clearly defined powers, at the head of the municipal staff. The Chief Officer was accordingly provided for by this Act. He is appointed by the municipality and must be a graduate of a recognised University or a qualified engineer and is removable from office by not less than two-thirds of the whole

(Municipalities)

number of councillors. The number of elected councillors is to be not less than four-fifths of the whole number and not more than one-half of the nominated members can be salaried servants of Government. The Act also provides that Government may direct that all the councillors shall be elected. Women were made eligible for being councillors of municipalities. Both the President and the Vice-President have to be elected, Government servants being ineligible for election for either of these offices. As regards the qualifications of voters, the new Act marks a further advance and lays down that every person (i) who in any municipal borough, on the first day of April next preceding the date of publication of the electoral roll, occupied as owner or tenant a house or building, or part of a house or building separately occupied, as a dwelling or for the purpose of any trade, business or profession, of which the annual rental was not less than Rs. 12, or of which the capital value was not less than Rs. 200, or (ii) who for a period of not less than three months next preceding the last day before the preparation or revision of the list of voters upon which under the rules applications for enrolment may be received has paid the qualifying tax and who within the three months next preceding the aforesaid date has paid all arrears of taxes if any due from him to the municipality, shall be qualified to be entered in the list of voters for such municipal borough and to vote at a municipal election in such borough. "Qualifying tax" has been defined as meaning a tax other than octroi, toll and the tax on vehicles and animals plying for hire or kept for the purpose of being let for hire in a municipal borough. The Act also expressly provides for the separate representation of Muhammadans and also of the depressed classes when the number of the latter warrants such representation.

121. The Municipality of Karachi has been excluded from the scope of the Bombay City Municipalities Act of 1925 as Government had under their consideration at the time when the Act was passed, the question of framing a separate Act for Karachi alone, giving wider powers to that Municipality. The necessary Bill has been drafted and forwarded to the Karachi Municipality for remarks and the views of that body are still awaited. Meanwhile, by executive orders, the proportion of elected councillors has been fixed at eight-ninths of the total number in the case of the Karachi and Hyderabad municipalities.

BOMBAY CITY

122. The constitution, powers and functions of the Municipal Corporation of the City of Bombay are prescribed by a separate Act—the City of Bombay Municipal Act of 1888. The early history of the Corporation dates as far back as 1812. Its constitution underwent changes from time to time. It consisted at first entirely of Government officers. Under Act XXV of 1858, the administration was vested in three Commissioners, one of whom—the President—was appointed by the Governor in Council and the other two

SPECIAL ACT FOR
KARACHI CITY.

CONSTITUTION OF
THE MUNICIPALITY
FOR BOMBAY CITY
PRIOR TO 1888.

(Municipalities)

elected by the Justices of the Peace. The Municipal Corporation took its present form under the City of Bombay Municipal Act of 1888 by which it is still governed.

123. Prior to 1922, the Corporation consisted of 72 councillors, of whom 36 were elected at ward elections, 16 were elected by the Justices of the Peace, 2 by the Fellows of the University of Bombay, and 2 by the Bombay Chamber of Commerce. The remaining 16 were nominated by Government. At ward elections, only those who paid Rs. 30 general or wheel tax or were graduates of some University in British India or the United Kingdom were entitled to vote and women were disqualified from becoming councillors. With the introduction of the Reforms and the extension of the franchise for the Legislative Council, the need for the revision of the constitution of the Municipal Corporation of the City of Bombay was recognised. Accordingly, by Bombay Act VI of 1922, the total number of councillors of the Corporation was increased from 72 to 106 of whom 80 are elected, 16 nominated by Government and 10 co-opted by the councillors—elected and nominated. Of the 80 elected councillors 76 are elected at ward elections, 1 is elected by the Bombay Chamber of Commerce, 1 by the Indian Merchants' Chamber, 1 by the Millowners' Association and 1 by the Fellows of the Bombay University. The President is elected by the Corporation from among its own members. The qualification required for a voter is occupation as owner or part owner or tenant or sub-tenant in the ward of a building or part of a building separately occupied of the monthly rental of Rs. 10 or more—a qualification which was substituted in 1922 for the original qualifications of payment of rates or possession of certain educational qualifications. The sex disqualification for election as councillors was removed and women were made eligible to stand as candidates for municipal elections in the City. As a result of the changes made in 1922, the number of voters in the City increased from 12,000 to 119,000 approximately. There are at present four women councillors on the Corporation.

124. It is a point worth noting that although communal representation now exists both in the local Legislative Council and in the great majority of the Municipalities in the Presidency, it does not exist in any form in the Municipal Corporation of Bombay. No seats are reserved either for the Muhammadan or any other community. In the Corporation as at present constituted, of the 80 elective seats, 25 are held by advanced Hindus, 10 by intermediate Hindus, none by depressed classes, 14 by Muhammadans, 21 by Parsees, and 10 by Christians and Jews. Of the 10 seats filled by co-option, 7 are held by advanced Hindus, none by intermediate Hindus, none by depressed classes, 1 by Muhammadans, 1 by Parsees, and 1 by Christians. A convention exists in the Corporation that the office of President which is tenable for one year should be held in turn by each of the four communities—Hindu, Muhammadan, European and Parsee, the elections each year being restricted to representatives of the particular community whose

ABSENCE OF COMMUNAL REPRESENTATION IN BOMBAY CITY.

(Municipalities)

turn it is to supply the President. The convention has always been observed.

125. The municipal authorities charged with the carrying out of the provisions of the City of Bombay Municipal Act, 1888, are three: (1) The Corporation; (2) the Standing Committee, and (3) the Municipal Commissioner. Each of these authorities has a well defined sphere of action of its own, and, while the widest possible powers have been given to the Municipal Commissioner—the executive authority under the Act—care has been taken to see that effective control of the administration rests with the Corporation. Besides the three authorities mentioned above, a Schools Committee consisting of 12 members is appointed by the Corporation from among its own members for the purpose of giving effect to the provisions of the Act relating to primary education. Two statements showing the constitution of municipalities during the years 1884-85, 1895-96, 1907-08, 1918-19 and 1925-26 and the number of voters in mofussil municipalities in 1919 and 1926 are appended (*vide* Appendices A and B).

126. All municipalities are bodies corporate, with perpetual succession and a common seal, capable of acquiring, holding and disposing of property and of suing and being sued in their corporate name. The members are personally responsible under the law for the misapplication of municipal funds.

Functions and Powers of District and City Municipalities

127. Under Act XXVI of 1850 the functions and powers of mofussil municipalities were limited to the making, repairing, cleaning, lighting, or watering of public streets, roads, drains or tanks, the prevention of nuisances and the improvement of the municipal district. Municipalities had power to make, subject to the approval of Government, rules for certain specified purposes (for instance, appointment of officers, assessment and collection of taxes), to make contracts and to apply the proceeds of the taxes for the necessary works. Accounts of municipal monies received were rendered to Government before the last day of April in each year. By Bombay Act II of 1862 municipalities were invested with certain additional functions such as construction, support and maintenance of hospitals, dispensaries and schools and it was laid down that no amount exceeding one-fourth of the municipal revenues could be expended annually on these purposes without the approval of the Governor in Council. Power was also given to the municipal councillors to apply the proceeds of the taxes in watering public streets and roads, while the Governor in Council was given power to enforce the right and just appropriation of the taxes raised under the Act. By Bombay Act I of 1871 the cost of police employed in any town or suburb other than the City of Bombay was made a charge on municipal revenues.

(Municipalities)

The next important Act dealing with municipal government was Bombay Act VI of 1873. Under this Act, municipalities were authorised to hold and dispose of properties subject to the prescribed limitations. The scope of the Municipal Acts in force till then and of the powers and duties of municipalities was enlarged. Wider powers were given to municipalities to make rules with the sanction of Government, while power was also given to them, subject to such sanction, to make by-laws for minor matters. The power to make by-laws was, however, confined to municipalities having a population of not less than ten thousand inhabitants and to others specially selected by Government. Provision was made for the preparation of the municipal budget, its audit and for the submission to Government of municipal accounts which were also liable to be inspected periodically by Commissioners.

128. Under Bombay Act II of 1884, the functions of municipalities were divided into two classes: (1) obligatory; and (2) optional. Under the former head were included all matters which were essential to the health, safety, convenience and well-being of the population of a municipal district,—matters in respect of which every resident of a town or city under municipal government has a right to expect that adequate provision shall be made in return for the rates, taxes and regulations imposed on him. Under the latter were placed matters which are legitimate objects of expenditure from municipal revenues but which are not absolutely necessary in every municipal district. In accordance with the orders of the Government of India municipalities were relieved of the burden of defraying the cost of the police, but in lieu thereof they were for the first time required to bear the cost of establishing and maintaining middle and primary schools. Care was taken, however, to vest the control, management and inspection of all municipal schools in the Government Educational Department. The power of municipalities to lease out or sell immoveable property was curtailed, as it was found that advantage was being taken by several municipalities of the general terms of the provisions of Bombay Act VI of 1873, to lease municipal land in perpetuity on a nominal rent, and municipalities were prohibited from leasing any of their immoveable properties for periods exceeding three years at a time without the previous sanction of the Divisional Commissioner. A further reform was also introduced with respect to the municipal executive. Under the Act of 1873, the President of a Municipality and its Chairman (the latter being different from the President who was the Collector) had been entrusted with a very large share of the executive powers of the municipality. In the altered and much more independent position which municipalities were expected to occupy in the future, Government considered it desirable that all the duties and powers imposed and conferred by the Act should be imposed and conferred on the general body in the first instance and that the latter should be empowered to delegate these duties and powers to committees or to their officers as they thought fit.

(Municipalities)

129. The next Act in the history of municipal legislation was Bombay Act III of 1901. It is still in force so far as the smaller municipalities are concerned. Under this Act the powers of the President as the head of the executive have been clearly defined. The extent and jurisdiction of the Managing Committee, which in all districts is the principal working body, has been specified. Municipalities have also been given power to appoint a Schools Committee for managing the schools vested in or maintained by the municipality or for conducting the business of a municipality in respect of any educational institutions aided by the municipality; and to appoint such other committees as they think fit, with such powers as they may consider expedient. The powers of municipalities were enlarged to enable them to cope successfully with outbreaks of epidemic diseases; and opportunity was taken to confer on Divisional Commissioners powers which under the provisions of the previous Act were reserved for Government, in local matters which the Commissioners were competent to deal with. The functions and powers exercisable by municipalities under the Act are set forth in detail in sections 54-58 and 90-160A of the Act of 1901, and cover practically every important item of municipal administration.

130. In the case of the 28 bigger municipalities, which are specified in the Schedule to the Bombay City Municipalities Act of 1925, and are governed by the provisions of that Act, the following additional duties are prescribed :—

ADDITIONAL DUTIES
OF MUNICIPALITIES IN
MUNICIPAL BOROUGHES.

Obligatory

Provision of anti rabic treatment for indigent persons resident within the municipal boroughs.

Discretionary

- (1) Providing music for the people;
- (2) the acquisition and maintenance of grazing grounds, and the establishment and maintenance of dairy farms and breeding studs;
- (3) the construction, maintenance, management, organisation or purchase of telephone lines, or guaranteeing the payment of interest on money expended for the construction of a telephone line subject to the previous sanction of the Commissioner when the line extends beyond the limits of the municipal borough;
- (4) providing accommodation for any class of servants employed by the Municipality;
- (5) the construction of sanitary dwellings for the poorer classes;
- (6) the construction, management and maintenance of light railways and tramways.

(Municipalities)

131. The powers of municipalities may be classified under the

**POWERS OF
DISTRICT AND CITY following main heads :—
MUNICIPALITIES.**

- (1) Powers of appointment, etc., of establishment ;
- (2) Powers to frame rules and by-laws ;
- (3) Powers of taxation ;
- (4) Miscellaneous powers.

(1) *Powers of appointment.*—Under the Bombay District Municipal Act of 1901 municipalities possess all powers of appointment in respect of existing staff. The sanction of the Divisional Commissioner is necessary

to the creation of all new appointments and to rules regulating the pay conditions of service, etc., of such appointments, and the sanction of Government is necessary to the creation of the appointments of Chief Officer, Health Officer and Engineer. Under the Act of 1925, the larger municipalities are empowered to create appointments costing not more than Rs. 100 per mensem in each case without the sanction of any higher authority. Under the Bombay District Municipal Act of 1901 Government have the power of appointment of Municipal Commissioners with very wide powers :—

(a) for any municipal district which contains a population of not less than one hundred thousand inhabitants ; and

(b) for any other municipal district on the application of the municipality provided that such application has been previously supported by not less than two-thirds of the whole number of councillors.

Such Municipal Commissioners hold office for a period of three years in the first instance ; thereafter for such periods as Government may in each case determine. Their salaries are determined by Government and they are removable from office by Government on the application of the Municipality, provided that such application has been supported by not less than three-fourths of the whole number of councillors. The Act specifically confers on the Commissioners powers which are ordinarily exercised by municipalities themselves and provides for the delegation to them of further powers by municipalities. Municipal Commissioners were appointed in the case of the municipalities of Surat and Ahmedabad between the years 1915-19, but the appointments were discontinued on the recommendations of a committee appointed in 1918 to report on certain questions relating to local self-government, known as the Pratt Committee, to whom the question was referred for opinion. The Committee reported as follows :—

“ We find that the appointments have met with opposition because a municipality is apt to resent the elevation of a member of the Indian Civil Service to a position of what rightly or wrongly they regard as autocratic control in local affairs. Especially they resent the appointment of an officer in whose selection they have had no voice, direct or indirect. We have agreed that nothing is to be gained by continuing these appointments in cases where it has become clear that opposition and objections of the kind mentioned above are causing so much friction that harmonious co-operation between the Municipality and the Municipal Commissioner may no longer be expected or looked for.”

(Municipalities)

(2) *Powers to frame rules.*—As regards powers to frame rules and by-laws, under the Act of 1901, the approval of the Divisional Commissioner is necessary in the case of all rules and by-laws framed by non-City Municipalities under sections 46-48 of the Act; while under the provisions of the Bombay City Municipalities Act of 1925, the sanction of Government is necessary to rules and by-laws framed by city municipalities.

(3) *Powers of taxation.*—Under the Act of 1925, City Municipalities have to obtain the sanction of Government before imposing any taxes leviable under the Act. Municipalities governed by the Act of 1901 are required to obtain similar sanction from the Divisional Commissioner.

(4) *Miscellaneous powers.*—Under this head are included all powers which are not covered by the other three heads mentioned above. The only point worth noting in this connection is that whereas under the Bombay District Municipal Act of 1901 non-city municipalities have to obtain the sanction of the Collector before they can incur any expenditure from municipal funds on any public reception, ceremony, entertainment or exhibition within the municipal district, under section 71(5) of the Bombay City Municipalities Act of 1925 such expenditure can be incurred by the municipalities without the sanction of the Collector or any other outside authority, if a resolution approving the expenditure is passed at a general meeting of the Municipality and is supported by two-thirds of the total number of councillors. In the case of municipalities governed by the Act of 1901, Government had, however, issued executive instructions to all Collectors that they should ordinarily sanction such expenditure as is referred to in section 52 of the Act, unless in exceptional cases they considered that it was open to objection.

The question of having a separate Act for minor municipalities on lines similar to those of the Bombay City Municipalities Act of 1925 is under the consideration of Government.

132. The functions and powers of the several municipal authorities in Bombay City referred to in the City of Bombay Municipal Act of 1888, e.g., the Municipal Commissioner, the Standing Committee, the Schools Committee, etc., are described in Chapter III of that Act. Except as otherwise provided in the Act, the municipal government of the City vests in the Corporation. The entire executive power for carrying out the provisions of the Act vests in the Municipal Commissioner, subject, where it is expressly so directed in the Act, to the approval or sanction of the Corporation or the Standing Committee, and subject also to all other restrictions imposed by the Act. The Municipal Commissioner also exercises supervision and control over the acts and proceedings of municipal officers and servants other than the Municipal Secretary and the municipal officers immediately subordinate to him. All contracts on behalf of the Corporation are

BOMBAY MUNICIPAL
CORPORATION: FUNC-
TIONS AND POWERS.

(Municipalities)

executed by the Municipal Commissioner. The Commissioner has to obtain the previous approval of the Standing Committee to any contract other than an agreement for the acquisition of immoveable property involving an expenditure exceeding Rs. 5,000 and must report to that Committee every contract made by him involving an expenditure exceeding Rs. 500 but not exceeding Rs. 5,000 within 15 days after the contract has been made.

133. The power of appointing the Municipal Executive Engineer,

APPOINTMENTS.

Municipal Executive Health Officer, Municipal Hydraulic Engineer, Municipal Secretary, Secretary to the Schools Committee and all municipal officers, whether temporary or permanent, whose minimum monthly salary exclusive of allowances is or exceeds Rs. 500, vests in the Corporation. The maximum and minimum limits of the pay of the first four appointments are laid down under the Act itself. Subject to these limits, the pay may be fixed by the Corporation. The Corporation has power, subject to confirmation by Government, to appoint a Deputy Municipal Commissioner on a monthly salary of not less than Rs. 1,200 and not more than Rs. 1,500.

134. The appointment of Municipal Commissioner is made by Govern-

APPOINTMENT OF
MUNICIPAL COMMIS-
SIONER.

ment for a renewable period of three years on a monthly salary of Rs. 3,000, which, with the approval of the Corporation, may be raised to Rs. 3,500 in the case of a Commissioner who has held the appointment for a period of not less than three years. The Act provides that the Commissioner shall be forthwith removed by Government from office if at a meeting of the Corporation not less than 64 councillors vote in favour of a proposition to that effect. As regards other appointments, it is provided that the Commissioner shall, from time to time, prepare and bring before the Standing Committee a schedule setting forth the designations and grades of the other officers and servants who should, in his opinion, be maintained and the amount and nature of the salaries, fees and allowances which he proposes should be paid to each. The Standing Committee may sanction such schedule either as it stands or subject to such modifications as they may deem expedient. This is, however, subject to the proviso that no new office of which the aggregate emoluments exceed Rs. 200 per mensem shall be created without the sanction of the Corporation. Subject to these exceptions, the power of appointing all municipal officers and servants vests in the Municipal Commissioner.

POWERS OF
TAXATION.

135. The Corporation is empowered by the Act to impose

- (1) property taxes;
- (2) taxes on vehicles and animals;
- (3) town duties.

Property taxes are levied on buildings and lands in the City and are subdivided into (a) a water tax; (b) halalkhore (conservancy) tax; and (c) general tax. A maximum limit in the case of the halalkhore tax and

(Municipalities)

maximum and minimum limits in the case of the general tax are laid down by the Act. Subject to these limits, the Corporation may fix the amount of the tax in each case. Similarly town duties and the tax on vehicles and animals are subject to maximum limits fixed by the Act.

136. By-laws framed by the Corporation require to be confirmed by Government before they become valid and Government have power to repeal any by-law after giving due notice to the Corporation. This power has never, however, been exercised by Government up to now.

137. An important event worth recording in connection with the functions and powers of the Bombay Municipality is the transfer to its control of the City of Bombay Improvement Trust in 1925. Under the provisions of Bombay Act XVI of 1925 (the City of Bombay Improvement Trust Transfer Act, 1925), the City of Bombay Improvement Trust which was specially created in 1898 with a view to make provision for the improvement and future expansion of the City of Bombay has ceased to exist as a separate body. The property of the Trust has been transferred to the Corporation not absolutely for the general purposes of the latter, but specifically for the purpose of the improvement of the City. An Improvement Committee, the constitution and procedure of which are similar to those of the Municipal Standing Committee, has also been constituted specially to carry on the work of the Improvement Trust, subject to the control of the Corporation.

Municipal Finance

138. The main sources of municipal income are (1) municipal rates and taxes and (2) grants and contributions from Government, local bodies, etc. In addition, municipalities derive income from their property and from certain miscellaneous sources (*vide* Section 111 of Bombay Act III of 1888 and Section 65 of Bombay Act XVIII of 1925). Municipal taxes may be either "direct" or "indirect." Under the latter category are included the octroi and the terminal tax; while all other taxes fall under the former head. Among direct taxes, the house tax is the most common. Special taxes for specific services rendered, such as the water tax, the special sanitary cess, etc., are also levied by a large number of municipalities. Grants from Government are given to municipalities generally for such objects as education, water supply and drainage schemes, and entertainment of health officers and sanitary inspectors. The total income of all municipalities in the Presidency (excluding Bombay City) rose from Rs. 67,18,404 in 1901-02 to Rs. 2,22,88,506 in 1925-26—an increase of about 231·6 per cent. Of the total income of Rs. 67,18,404 in 1901-02 Rs. 49,71,000 (in round figures) or nearly 74 per cent. was derived from municipal taxation. The corresponding percentage for 1925-26 was 68·7. Of the total income of Rs. 49,71,000 derived from municipal taxation in

(Municipalities)

the mofussil in 1901-02, Rs. 18,37,000 or 36·9 per cent. represented income from direct taxation ; the remaining 63·1 per cent. being the proceeds of indirect taxation. In 1925-26 out of a total income of Rs. 1,53,09,000 from municipal taxation, Rs. 90,02,000 or 58·8 per cent. represented proceeds from direct taxation ; while the income from indirect taxation amounted to Rs. 63,07,000 or 41·2 per cent. of the total income. While in 1901-02 the income from indirect taxation exceeded that from direct taxation, the reverse is the case now. A statement showing the total amount of grants and contributions received by the mofussil municipalities from Government, local boards and other sources is attached. (*Vide* Appendix C.) It will be seen that in 1901-02 Government grants formed 65·1 per cent. of the total grants received by municipalities in that year ; while in 1925-26 they formed 92 per cent. of the total grants received. Again, in 1901-02 the income from Government grants formed 3·8 per cent. of the total income of mofussil municipalities ; while in 1925-26 it formed 10·4 per cent. of the total income.

139. The incidence of income per head of population within municipal limits rose from Rs. 2-4-7 in 1901-02 to Rs. 8-5-2 in 1925-26—an increase of 264 per cent., while the incidence of municipal taxation per head of population rose from Rs. 1-8-10 to Rs. 5-11-6 during the same period—an increase of 268·4 per cent. Two statements, one showing the total income and the income from taxation of all mofussil municipalities in this Presidency from the year 1901-02 to 1925-26, and another showing the income from direct and indirect taxation separately for the same period are attached. (*Vide* Appendices D and E.)

140. The total expenditure (excluding items of "Extraordinary and Debt," that is expenditure on investments, advances, deposits, repayment of loans, etc.) for all mofussil municipalities in this Presidency increased from Rs. 57,25,466 in 1901-02 to Rs. 2,39,86,823 in 1925-26—an increase of 318·9 per cent., while the total disbursements (including items under "Extraordinary and Debt") increased from Rs. 64,45,790 to Rs. 3,21,62,871 during the same period—an increase of 398·9 per cent. (*Vide* Appendices F and G.) It will be observed that while the income has increased by 231·7 per cent. between the years 1901-02 and 1925-26, the expenditure has gone up by 318·9 per cent. Of the total expenditure (excluding items under "Extraordinary and Debt") of Rs. 57,25,466 incurred by mofussil municipalities in 1901-02, Rs. 19,50,035 or 34·2 per cent. was spent on Administration, Rs. 19,60,763 or 34·3 per cent. on Public Health and Convenience (excluding Public Works), Rs. 7,17,451 or 12·6 per cent. on Education, Rs. 4,60,478 or 8 per cent. on Civil Works. The corresponding percentages for 1925-26 were 9·2 on Administration, 47·5 on Public Health and Convenience, 18 on Education and 12·2 on Civil Works. The figures for 1925-26 indicate that municipal expenditure in this Presidency has overtaken the municipal income. At the same time the list of municipal wants, which appears to grow larger each year, shows that the

(Municipalities)

municipal bodies are still a long way from satisfying the demands of their citizens. It is clear that the demand for modern amenities on the part of the public has outrun the resources both of the local bodies and of the Provincial Government, and the only hope for the future lies in exploring further avenues of taxation for municipal purposes. The Taxation Enquiry Committee appointed by the Government of India in 1924 have made certain suggestions on the subject and these are now under the consideration of Government. Two statements comparing the income and expenditure of the Bombay Municipality under different heads for the years 1901-02 and 1925-26 are attached. (*Vide* Appendices H and I.)

141. All mofussil municipalities are required by law to have prepared and laid before them at their periodical general meetings complete accounts of their receipts and expenditure since the first day of April last preceding and at a general meeting to be held on such day between the 10th January and the 1st March as the Municipality may determine, a complete account of the actual and anticipated receipts and expenditure for the financial year ending on the 31st March next following together with a budget estimate of the income and expenditure of the Municipality for the financial year to commence on the 1st April next following. Municipal accounts are, from time to time, and at least once in every year, audited by the Examiner of Local Fund Accounts, who submits for the orders of Government annually a report on the audit of the accounts of all the municipalities in the Presidency. If any irregularities are brought to the notice of Government, the explanation of the bodies concerned is obtained wherever it is necessary to do so. Steps are also taken to see that similar irregularities are not repeated by any other municipalities in future. In the case of the Bombay City Municipality, the budget estimate is framed by the Standing Committee and is adopted finally after approval by the Corporation. The municipal accounts are audited from week to week by auditors specially appointed by the Corporation for the purpose for each official year. The Act, however, provides that Government may at any time appoint an auditor for the purpose of making a special audit of the municipal accounts and of reporting thereon to Government. This power has not been used for the last twenty years.

142. The borrowing powers of the municipalities are governed by the **BORROWING POWERS.** Local Authorities Loans Act, 1914, and the rules framed thereunder. Government have ample powers of control over loans raised by municipalities and works executed from them. Money can only be borrowed with the sanction of Government, after such enquiry as they think fit, and on terms and conditions prescribed by them. Provision is made for securing that the money is duly applied to the purposes for which it is borrowed, and inspection through audit officers or other persons authorised by Government, is also provided for. The borrowing powers of the Bombay City Municipality are defined in **Chapter VI** of the City of Bombay Municipal Act of 1888. The sanctions

(Local Boards)

of Government is necessary to the raising of any loan by the municipality, and if the loan exceeds Rs. 25 lakhs, the approval of the Government of India is required to the terms of the loan, including the date of its flotation.

Government Control

143. The tendency of municipal legislation in this Presidency has been in the direction of strengthening the powers of Government and their officers in respect of general control and supervision over municipalities in proportion as the non-official element in municipalities increased, and the powers of control exercised by Government in respect of taxation, budgets, public works, and local establishments were relaxed. Thus under Bombay Act VI of 1873 the power of control of Government was limited to the carrying out at municipal expense in case of default by a municipality, of duties emergently necessary for the maintenance of public health or safety. Under Bombay Act II of 1884 the scope of the powers was considerably enlarged. The Collector was empowered to inspect the records, etc., and to supervise the actions of a municipality, to suspend the execution of any act of the municipality which was likely to cause injury or annoyance to the public and in cases of emergency, to take action at the expense of the municipality. The Commissioner was given power to prevent extravagance in the employment of establishments by a municipality and finally Government could direct the execution of any duty imposed upon a municipality at the expense of that body, and in the last resort could even supersede a municipality. These powers, which are sufficient to meet all emergencies, have been practically repeated in Bombay Acts III of 1901 and XVIII of 1925. Under the latter Act, Government can exercise the following additional powers :—

(1) They may order an inquiry to be held by an officer appointed by them in this behalf into any matters concerning the administration of any municipal borough.

(2) They may dissolve a municipality (as an alternative to superseding it) in case of incompetency, default or abuse of power.

In the case of the Bombay Municipal Corporation, the only powers of external control possessed by Government are those enabling them (1) to provide for performance of duties in case of default by any municipal authority and (2) to enforce repairs, etc., of the Vihar Water Works (*vide* Chapter XX of Bombay Act III of 1888). There has never been any occasion for the exercise of these powers.

LOCAL BOARDS*Constitution and Franchise*

144. The history of local boards in the Bombay Presidency goes back to 1860 when a cess of one anna in each rupee of land revenue was levied in some districts for the purpose of local improvements such as the establishment of

(Local Boards)

schools and dispensaries and the construction of roads. The levy was, however, not based on any statutory enactment or rule and was discontinued shortly afterwards. An important step was taken when an announcement was made by the Honourable Mr. Laing, Financial Member of the Viceregal Council, in his statement on the budget for 1861-62, that the Government of India intended to transfer £500,000 from Imperial to Local budgets to be provided for by local taxation. In his speech on that occasion he said :

"I am as strongly as ever in favour of the principle of local taxation for local objects. In fact, if this great Empire is ever to have the roads, the schools, the local police and other instruments of civilization which a flourishing country ought to possess, it is simply impossible that the Imperial Government can find either the money or the management."

The question was then taken up by the Government of Bombay who issued a resolution sanctioning the establishment of Local Funds in the Presidency. The Local Fund was to consist of (1) the local cess on land (the rate for which was then fixed at one anna for every rupee of assessment to the land revenue); (2) all toll and ferry funds not specially excepted; (3) the surplus cattle pound fund; and (4) such other items as Government might from time to time direct to be added. It was decided that the cess should be divided for purposes of expenditure in the proportion of one-third for education and the remaining two-thirds for roads, repairs to village wells and public buildings, planting of roadside trees and other objects of public utility. The system thus introduced was worked for some time without a statutory basis, but eventually, owing to the growing spirit of opposition on the part of the people, it was deemed advisable to legalise the levy of the local cess. This was first done for Sind in 1865 by Bombay Act VIII of 1865 and for the rest of the Presidency by Bombay Act III of 1869. The constitution of the District Local Funds Committees which were established under the provisions of section 12 of Bombay Act III of 1869 was as follows:—

- (1) The Collector, as President.
- (2) The First Assistant Collector.
- (3) The Second or other Assistant Collector in charge of talukas.
- (4) The Executive Engineer, except as regards educational matters when the Educational Inspector was to be substituted.
- (5) The District Deputy Collector in permanent charge of talukas.
- (6) The Huzur Deputy Collector.
- (7) An Inamdar or holder of an alienated village in the district to be elected by the holders of alienated villages situated in the district.
- (8) Six proprietors or holders of land to be appointed by the Revenue Commissioner of the Division.

Any member of the District Local Funds Committee could be removed by Government. There was no provision in the Act itself for the formation of Taluka Committees but under rules issued under the Act, such committees were established mainly as consultative and advisory bodies without any powers of appropriation and distribution of local funds.

(Local Boards)

Each taluka committee as thus constituted consisted of three official members, three landholders appointed by Government, and one elected Inamdar.

145. The question of further development of rural boards was next taken up in October 1881 when the Government of

ADVANCE MADE IN 1884. India addressed the Local Governments on the subject of the extension of the system of local self-government in municipalities and rural areas. After considering the views of the various local Governments Lord Ripon, the Viceroy, issued on the 18th May 1882 his well-known Resolution setting forth at considerable length his views on the subject of the extension of local self-government, and indicating the principles upon which measures should be adopted to render further advance in this direction real and substantial. The main features of his scheme were an increase of the powers of local boards, urban and rural, the grant of wider discretion to the boards in all matters of expenditure, the placing of larger funds at their disposal, the resuscitation of taluka boards from the state of suspended animation in which they then were, and the introduction of a system under which the members of the Board would be mainly elected by the rate-payers. As a result of Lord Ripon's Resolution, the Government of Bombay enacted the Bombay Local Boards Act, 1884, which provided that there should be one local board for each district and also one for each taluka as constituted under the Bombay Land Revenue Code, 1879, or for such area consisting of one or more such talukas or portions of talukas as the Governor in Council should deem fit. Each district local board was declared to have authority, for the purposes of the Act, over the entire district and each taluka local board over the entire taluka for which they were respectively established, excepting those portions of the district or taluka which were included in a municipal district or military cantonment. Every district and taluka local board was to consist of elective and nominated members and it was provided that the number of elective members should not be less than one-half of the whole Board exclusive of the President and that not more than one-half of the nominated members should be salaried servants of Government. The elective members of a taluka local board were to be as follows:—

CONSTITUTION OF DISTRICT AND TALUKA LOCAL BOARDS UNDER BOMBAY ACT I OF 1884.

(a) One member for each municipal district within the taluka for which a taluka local board was established containing more than five thousand inhabitants, selected by the Commissioners of such district from among their own number;

(b) one member (qualified as hereinafter provided) for each of the several groups into which the villages in the area were divided by the Governor in Council; and

(c) one member elected by the holders of entire alienated villages, if any, within the taluka, from amongst their own number, or, if there was but one such holder in the taluka, such holder himself or any person whom he nominated as his representative.

(Local Boards)

The members of district local boards were to be as follows :—

(a) one member, or, if Government so direct, two or more members for each taluka local board in the district, or one member for two or more taluka local boards in the district, united for this purpose into a joint board, elected by the members of such board or joint board from amongst their own number ;

(b) one member for each municipal district within the district containing not less than eighteen thousand inhabitants elected by the Commissioners of such district from amongst their own number ;

(c) one member elected by the holders of entire alienated villages, if any, within the district, from amongst their own number, or, if there was but one such holder in the district, such holder himself, or any person whom he nominated as his representative.

There was no direct election in the district local boards.

146. The following classes of persons were entitled to vote at elections of members of taluka local boards to be held in groups of villages constituted for the purpose, provided that they resided within such groups and were not less than 21 years of age :—

FRANCHISE FOR
TALUKA LOCAL BOARDS.

- (1) holders of land assessed at Rs. 48 per annum ;
- (2) owners of immoveable property within the taluka worth Rs. 5,000 or more ;
- (3) persons earning at least Rs. 500 per annum from any occupation ;
- (4) Government pensioners in receipt of at least Rs. 50 per mensem ;
- (5) Honorary Magistrates ;
- (6) Revenue or Police Patels ;
- (7) such other persons, if any, residing within the groups of villages or within the taluka, as Government might from time to time notify in the official Gazette.

147. The Collector of the district was ordinarily the *ex-officio* President in the case of district local boards and the Sub-Divisional Officer or Mamlatdar the *ex-officio* President in the case of taluka local boards, though by section 27 of the Act it was provided that the President of every local board should be one of the members of the board appointed by Government, or if the Governor in Council so directed, elected by the local boards. If the President so appointed or elected was a salaried servant of Government, the board had to elect one of its members to be Vice-President.

PRESIDENTS AND
VICE-PRESIDENTS
WERE ORDINARILY
GOVERNMENT
OFFICIALS.

148. This position continued till 1915. In that year Government reviewed the progress made by local self-governing institutions (municipalities as well as local boards) in the Presidency and came to the conclusion that the development in the case of local boards was disappointingly slow. They accordingly decided to

NOMINATED ELEMENT
REDUCED AND NON-
OFFICIAL PRESIDENTS
ALLOWED FROM
1915-16.

(Local Boards)

appoint a committee to consider and report what changes it was desirable to effect in the constitution of these boards "so as to bring about the infusion of a more vital and real spirit into the principle of local self-government." On the recommendation of that committee, Government decided, in the case of district local boards, to reduce the number of nominated members (excluding the Collector-President) to one-half of the number of elected members. They also decided to appoint, as an experimental measure, non-official presidents to a few selected district local boards in the Presidency proper, and the Divisional Commissioners were accordingly asked in May 1916 to report in which of the districts in their respective divisions the experiment could be tried with reasonable prospects of success and to state the names of the non-official gentlemen whose nominations as presidents they would recommend. On the recommendations of the Commissioners the experiment was tried in 1917-18 in the first instance in the case of the district local boards of Poona, Broach, Ahmednagar, Belgaum, Dharwar and Ahmedabad. The Commissioners concerned were asked to submit a report to Government on the result of the experiment as soon as possible after a year had elapsed from the date of its introduction. At the same time the principle of a two-thirds elective element for taluka local boards was also adopted and several of them were reconstituted on this basis. Till then the experiment of appointing non-official presidents had been restricted to district local boards only. In June 1918, non-official presidents were appointed for the local boards established in the talukas of Amod and Vagra in the Broach district. The reports of the Commissioners on the working of the experiment of appointing non-official presidents for district local boards were received in 1918, and as the experiment was found to be a success, the policy of appointing non-official presidents was gradually extended to other district local boards. Meanwhile, the Commissioner in Sind had reconstituted several district and taluka local boards in that province with a two-thirds elective element and in 1919 the policy of appointing non-official presidents was extended to district local boards in Sind. By the end of the year 1922-23, 21 out of 27 district local boards and 97 out of 222 taluka local boards in the Presidency including Sind had non-official presidents.

149. The next stage in the development of local boards was the passing of the Bombay Local Boards Act of 1923, which

FURTHER ADVANCE represents the last stage so far reached. This
IN 1923.

Act introduced several radical changes both in the constitution and the franchise of district and taluka local boards. The elective element has been fixed at a minimum of three-fourths of the total number of members of each board and for the first time direct election to district local boards has been allowed.

The qualifications prescribed for voters in district local boards are—

A place of residence within the district, and—

(i) holding in one's own right or occupation as a tenant or as a lessee from Government alienated or unalienated land assessed at or of the

(Local Boards)

assessable value of Rs. 16 or more land revenue in the Panch Mahals, Ratnagiri and Upper Sind Frontier Districts and of Rs. 32 or more land revenue elsewhere ;

(ii) being the alienee of the right of Government to the payment of rent or land revenue amounting to Rs. 16 or more in the Panch Mahals, Ratnagiri and Upper Sind Frontier Districts and to Rs. 32 or more elsewhere or being a Khot or a sharer in a Khoti village or a sharer in a Bhagdari or Narwadari village or a talukdar or a sharer in a talukdari estate responsible for the payment of not less than Rs. 16 land revenue in the Panch Mahals, Ratnagiri and Upper Sind Frontier districts and not less than Rs. 32 land revenue elsewhere ;

(iii) assessment to any tax imposed by a local board (other than a toll or octroi).

The qualifications prescribed for voters in taluka local boards are—

Residence within the taluka and holding or occupation of land as above assessed at or of the assessable value of Rs. 8 or more land revenue or payment of a local tax as aforesaid.

150. The franchise for district local boards is now practically the same as that for the local Legislative Council, while that for taluka local boards is considerably lower, with the result that a very large number of people has been enfranchised. A statement showing the constitution of local boards during the years 1889-90, 1894-95, 1907-08, 1918-19 and 1925-26 is appended (*vide* Appendix J).

151. Specific provision has been made in the Act for granting representation to Muhammadans and for the removal of the disqualification of women from being members of local boards.

152. All local boards have now elected presidents and vice-presidents, salaried servants of Government being declared ineligible for these posts. Members of local boards hold office for three years and are removable from office by Government on the recommendation of the local board for misconduct or gross neglect of duty or inability to perform duties. Every local board is a body corporate with perpetual succession and a common seal, capable of acquiring, holding, and, subject to prescribed limitations, of disposing of property vesting in it. Every road, building or other work constructed by a local board vests in it. For every local board there is a Standing Committee which exercises powers conferred on it by the Act and, subject to prescribed limitations, all the powers of the local board not delegated to any other committee. The Act provides for the appointment of other executive committees by local boards to facilitate the transaction of business. Members, officers and servants of local boards are public servants under the law and members are personally responsible for misapplication or waste of local board fund and property. A comparative

(Local Boards)

statement showing the number of voters and the number of elected and nominated presidents of district and taluka local boards in 1919-20 and 1925-26 is appended (*vide* Appendix K).

Functions and powers.

DUTIES OF LOCAL 153. The duties of local boards as prescribed by
BOARDS. the Act of 1884 were :—

Obligatory

- (a) the construction of roads and other means of communication ;
- (b) the construction, maintenance and repair of hospitals, dispensaries, markets, dharamshalas and other public buildings ;
- (c) the construction, maintenance and repair of public tanks, wells and water works, the supply of water from them and from other sources ;
- (d) the provision of suitable accommodation for and the general development and extension of primary education ;
- (e) public vaccination and sanitary works and measures necessary for public health ;
- (f) the planting and preservation of roadside trees ; and
- (g) the maintenance of any property vesting in local boards.

Discretionary functions

- (h) the establishment and maintenance of model farms, the acclimatisation of exotics, the importation and distribution of superior kinds of seed, the improvement of the breed of cattle and horses, and the introduction and preservation of fish ;
- (i) the establishment and maintenance of relief and local relief works in times of famine or scarcity ;
- (j) expenditure on educational objects other than those set forth in clause (d) above ; and
- (k) carrying out of any other local works or measures likely to promote the health, comfort or convenience of the public.

By the Local Boards Act of 1923 the following additional duties were prescribed :—

Obligatory

- (a) Payment of the expenses of maintenance and treatment of indigent persons undergoing anti-rabic treatment ;

Discretionary

- (b) the construction, management and maintenance of light-railways and tramways ;
- (c) arranging for any reception, ceremony, entertainment or exhibition with the previous concurrence of the Collector.

(Local Boards)

154. The powers of local boards may be considered in relation to the following main heads :—

- (a) public works ;
- (b) education ;
- (c) control in medical matters ;
- (d) control in sanitary matters ;
- (e) control over staff.

(a) *Public Works*.—Under the District Local Boards Act, 1884, for every work which was estimated to cost in the case of a road over Rs. 50 per mile or in any other case over Rs. 500 in all, the plans and estimates were required to be prepared and approved by the Government Executive Engineer of the district. By executive orders Government further prescribed in 1885 that every work the cost of which exceeded Rs. 2,500 should be executed by the Government Executive Engineer. These orders were relaxed in 1919 and the general limit up to which local boards could execute works through their own engineering staff was raised to Rs. 10,000, while in the case of the Ahmednagar District Local Board a special limit of Rs. 50,000 was fixed. Under the Local Boards Act of 1923, a local board which employs an engineer approved by Government can have all its works executed through its own engineering establishment without any limit as to cost. The new Act also directs that the plans and estimates for any work the cost of which exceeds, in the case of roads Rs. 300 per mile on an average, and in the case of other works Rs. 3,000 in all, shall be prepared or approved by the Government Executive Engineer of the district or by an engineer employed by the Board and approved by Government.

(b) *Education*.—Until quite recently the entire control and management of local board schools in this Presidency was vested practically in the Government Educational Department and the only powers which the boards themselves possessed in respect of their schools were :—

- (1) the power of determining the places at which new local board schools should be opened and the manner in which accommodation for such schools should be provided ;
- (2) the power of deciding upon the transfer or abolition of existing local board schools ;
- (3) the power of fixing, subject to such limitations as Government might from time to time prescribe, the rate of monthly admission and re-admission fees to be paid by pupils in each such school ;
- (4) the power of fixing, subject to the aforesaid limitations, the number of free scholars to be admitted to each such school.

All questions as regards teaching and discipline in local board schools, the appointment, punishment and dismissal of teachers, the fixing and payment of the teachers' salaries, allowances and pension contributions and the grant of leave to them were decided by the Government Educational Department. In 1909, the Royal Commission on Decentralisation expressed in their report the opinion that rural boards should have

(Local Boards)

charge of middle schools as well as of primary education, provided that their duties in respect of the latter were fully discharged, that the sub-district boards which should deal with education should have reasonable latitude in this matter, and that the appointment and promotion of local board school teachers should be in the hands of the boards which should maintain their own inspecting staff. These proposals were examined in 1910 by the Government of Bombay who decided that no change was needed and expressed a strong opinion that the education of the people was essentially a function of the Central Government which local bodies are not capable of discharging. In 1916 the question was reopened by the Government of India, who after consideration of the views of all local Governments and the receipt of the orders of the Secretary of State, communicated to the Government of Bombay their wishes in respect of the recommendations made by the Decentralization Commission. They observed that "the attitude of the Commission regarding the control of education is on the same general lines in respect of all classes of local bodies. Their object throughout is to give to such bodies a greater share in the control of such classes of education as are entrusted to their care and by so doing to enlist a greater degree of interest and enthusiasm in the educational administration under their charge. They recognised that the majority of educational officers consulted were of opinion that this policy would result in loss of efficiency, but they considered that this view should not prevail against the recognised public policy of educating the people in self-government, and they were further influenced by the consideration that primary education (with which local bodies were chiefly concerned) should be adapted to the needs of the people and that this could best be effected by securing for local bodies more direct responsibility for its evolution and management. This consideration is in accordance with the views already expressed by the Government of India and the Secretary of State and the policy which it represents may be accepted as the guiding principle which, as far as practical conditions permit, should regulate the relations of local bodies towards primary education." About the same time the Committee which the local Government had appointed in 1915 also had the matter under consideration and also recommended that Government might reconsider the position taken up in the past and accept the view that the public advantages to be gained by the extension of local self-government control were not necessarily outweighed by the drawbacks feared. Subsequently the matter was also considered by a special officer appointed by the local Government in collaboration with the Director of Public Instruction. It was not, however, till 1923, when the Bombay Primary Education Act, 1923, was passed that the local boards in the Presidency obtained a greater measure of control over the administration of their schools. By that Act the management of all local board schools was handed over to School Boards which are under the control of the District Local Boards.

(c) *Control in medical matters.*—The management of local board at present in dispensary committees appointed by the

(Local Boards)

respective taluka local boards. The dispensary committees themselves are subject to the control of the district local boards which maintain the dispensaries. Their powers are limited to supervision over the conduct of the dispensaries in their charge, keeping accounts, reporting any neglect of duty, inefficiency or misconduct on the part of the medical officer to the Collector through the Civil Surgeon and deciding questions of appointment, promotion or increase in pay, suspension or dismissal of the non-medical staff. The appointment, transfer, promotion, etc., of the medical officers in charge of local board dispensaries vest entirely in the Surgeon-General. The question of giving local boards increased powers of control over their medical staff is under the consideration of Government.

(d) *Control in sanitary matters.*—Under Section 81 (1) (b) of the Local Boards Act of 1923 district local boards are responsible for the maintenance of public vaccination within the district. Up to 1909 all vaccinators who were paid from local funds were subordinate to the Public Health Department and held a position analogous to that of medical officers serving in local board dispensaries. In 1906 the Government of India addressed the Government of Bombay on the subject of the appointment of vaccinators by local bodies, directing, *inter alia*, that (1) vaccinators should not in future be enrolled as servants of Government nor be employed as a provincial establishment; (2) that vaccinators thereafter employed by local bodies should be wholly under their administrative control and should be on the same footing as their other employees; and (3) that the then existing incumbents should retain their rights to pension from Government, where such rights existed. At the desire of the Government of Bombay the Government of India agreed that the above orders should not extend to the whole Presidency at once but be tried by way of experiment in some selected districts in the first instance. The experiment was tried in 1909 in the districts of Surat, West Khandesh, Sholapur, Bijapur and Sukkur. As the scheme ultimately proved to be a failure, the Government of India were asked to permit the extension of the scheme to other districts being deferred and they acquiesced in this suggestion. The question of the transfer to all local boards of the control of vaccinators has been raised again recently, but no decision has yet been reached in the matter.

Local boards also exercise certain powers to regulate sanitation, sources of water supply, abatement of nuisances, burial and burning grounds, etc.

(e) *Control over staff.*—Subject to any limitations prescribed by rules, district local boards have full powers to appoint, punish and dismiss such officers and servants as they think proper for the efficient execution of their duties and the duties of the taluka local boards in the district and can, subject to prescribed limitations, delegate this power to their Presidents or to Presidents of taluka local boards. Where any district local board appoints a Chief Officer or an engineer and such appointment is approved by Government, Government pays two-thirds of the salary of the

(Local Boards)

Chief Officer or engineer, and where a health officer is appointed with the approval of Government, Government pays two-thirds of the salary of the Health Officer. Subject to an appeal to Government, the Commissioner of a division has power to prevent extravagance in the establishment entertained by any local board.

Finance

155. The sources of income of district and taluka local boards in this Presidency are mentioned in sections 75 and 76 of the Bombay Local Boards Act, 1923. Prior to the year 1912-13 the incomes of district and taluka local boards were not shown separately. In order to compare the growth of income of district and taluka local boards we have therefore to take the year 1912-13 as the starting point. Two statements, one showing the income of all district local boards from 1901-02 to 1925-26 and another showing the income of taluka local boards from 1912-13 to 1925-26 are attached (*vide* Appendices L and M). The income of all district local boards in this Presidency increased from Rs. 74,60,059 in 1912-13 to Rs. 1,93,69,404 in 1925-26—an increase of 159·6 per cent. During the same period the total income of the taluka local boards in the Presidency rose from Rs. 13,79,876 to Rs. 20,29,308—an increase of 47·06 per cent. The incidence of income per head of population in district local board areas increased from Re. 0·4-1 in 1901-02 to Re. 1-4-4 in 1925-26, while the incidence of taxation increased from Re. 0-2-5 in the former year to Re. 0-5-1 in the latter. Thus while the incidence of income has increased by 397·9 per cent. between 1901-02 and 1925-26, the incidence of taxation has increased by only 110·3 per cent. It is obvious that the increase in the income has been due mainly to factors other than increased taxation, *e.g.*, Government grants, etc.

156. Until quite recently (*i.e.*, till the passing of the Bombay Local Boards Act, 1923), local boards had no powers of taxation. The sources of their income were those specified in section 44 of the Bombay Local Boards Act, 1884. They were :—

- (a) In Sind, the net proceeds of the cess on land and of the shop-tax levied under the Sind Local Funds Act, 1865 ;
 - (b) elsewhere, the net proceeds of the cess levied under the Bombay Local Funds Act, 1869, in the district ;
- and, wherever the Act was in force—
- (c) the net proceeds of all public ferries established in the district under the Bombay Ferries Act, 1868, and all penalties inflicted and levied under the said Act in the district ;
 - (d) the net proceeds of all tolls and leases of tolls on roads and bridges vested in the local boards or constructed by the local boards at the cost of the local fund ;

(Local Boards)

(e) such portion of the net proceeds of fees, fines and penalties levied under Bombay Act VIII of 1866 (an Act to regulate and restrict the sale of poisons in the Bombay Presidency) as the Collector from time to time directed ;

(f) the proceeds of all fees levied in the district under the Bombay Land Revenue Code, 1879, for permission to remove sand or to quarry ;

(g) all sums placed by Government to the credit of the fund under section 1 (b) of Act XVIII of 1883 or otherwise, or contributed by private persons ; and

(h) all sums received by any local board in the district in execution of this Act.

The cess income referred to in clauses (a) and (b) above was really fixed by laws which were in operation before the boards came into existence. Its levy vested in Government and it was collected with the land revenue by officers of the Revenue Department and handed over to the boards. These had no power to vary or increase its amount and no power to impose taxation in any other form. With an expenditure increasing year by year and an inelastic revenue it was found necessary to give the boards some powers of taxation and the Bombay Local Boards Act, 1923, prescribes that on the application of any district local board made in pursuance of a resolution of the board passed at a special meeting called for the purpose, Government shall increase the one anna cess on land revenue to an amount not exceeding two annas on every rupee of such revenue. Section 95 empowers Government to levy a cess not exceeding two annas on every rupee of water-rate leviable under the provisions of the Bombay Irrigation Act, 1879, while section 99 provides that, subject to the general or special orders of Government, district local boards may levy any tax which under rules made under section 80A (3) (a) of the Government of India Act a local authority may be authorised to impose by any law made by the local legislature without the previous sanction of the Governor General.

SOURCES OF INCOME 157. The sources of income of local boards at
OF LOCAL BOARDS present are :—
UNDER BOMBAY ACT
VI OF 1923.

(1) the net proceeds of the cesses leviable under the Act ;

(2) the net proceeds of all public ferries and the amount of all penalties levied under the Bombay Ferries Act, 1868 ;

(3) all rents and profits accruing from property managed by or vested in local boards ;

(4) the net proceeds of all tolls and leases on tolls vested in the local boards ;

(5) such portion of the net proceeds of fees, fines and penalties levied in the district under the Poisons Act, 1919, as Government may direct ;

(6) all sums ordered by Government under the Cattle Trespass Act or otherwise to be credited to the local fund ;

(7) all fees levied in the district under the Bombay Land Revenue Code, 1879, for permission to remove sand or to quarry ;

(Local Boards)

(8) all sums received in the execution of or from taxation under the Act and the interest on and the sale proceeds of any securities held by local boards ;

(9) all sums contributed by private persons ;

(10) the proceeds of any fisheries vesting in local boards ;

(11) the receipts on account of charities and trusts placed under the management of local boards ; and

(12) all grants and assignments of revenue made by Government.

Income from the above sources is paid into a common fund called the local fund. Taluka local boards have no separate sources of income provided for them. Under section 76 of the Act the fund available to a taluka local board consists of the balance available for expenditure at the commencement of the Act (March 1923), the balance of the revenue from the Local Funds Acts of 1865 and 1869, and the revenue described in clauses (1), (3), (5), (6), (7), (8) and (9) accruing in the area subject to the authority of the taluka local board after the district local board has provided for its liability prescribed in sections 78, 80 and 81. The local fund is kept in the Government treasury or in such other bank or co-operative society as may be approved by Government. It can be expended for the purposes of the Act only and is ordinarily available for expenditure within the local area but may, with the sanction of the Divisional Commissioner, be expended outside that area for any of the purposes of the Act. A statement showing the names of the district local boards which have taken advantage of the provisions of section 93 of the Act of 1923 to increase their income from the cess on land revenue and another showing the names of those which have levied additional taxes under section 99 of the Act are attached (*vide* Appendices N and O).

158. The income from grants-in-aid from Government forms a considerable portion of the revenue of the district local boards.

INCOME GRANTS-IN-AID GOVERNMENT,	FROM FROM
--	--------------

In 1912-13 it amounted to Rs. 31,29,880 or 41·9 per cent. of the total income of the boards, and to 40·5 per cent. of their total expenditure. In 1925-26 it formed 59·3 per cent. of the total income of the boards and 66·2 per cent. of their total expenditure. There has thus been a considerable increase in the grants given by Government to district local boards. Such grants may be classified under the following main heads :—

- (1) Contributions from Government in lieu of the one anna cess on excise revenue ;
- (2) Educational ;
- (3) Medical ;
- (4) Scientific and other minor departments ;
- (5) Civil Works ;
- (6) Miscellaneous.

(1) *Contributions from Government in lieu of cess on excise revenue.*—The one anna cess on excise revenue was levied originally under Bombay Act III of 1869 in the Presidency proper and under Act VIII of 1865 in

(Local Boards)

Sind. Its levy was discontinued under the orders of the Government of India in 1873 and a contribution equivalent in amount to the loss which the boards suffered on account of the discontinuance of the levy is being given to them since that date. The income of all district local boards in this Presidency from this source in 1925-26 amounted to Rs. 1,33,508.

(2) *Educational.*—Government grants to district local boards for primary education are regulated by special orders issued from time to time. Prior to 1903 these bodies which are bound under the law to make adequate provision within the limits of the funds at their disposal for primary education within their respective areas, were assisted in meeting this obligation by grants from provincial revenues equal to one-third of their total educational expenditure. In that year Government, recognising that the boards with their resources crippled by famine and plague had done much for primary education, and that its further development and extension were not possible without additional grants from provincial funds, directed that from the 1st October 1903 the limit of aid to municipal and local boards on account of primary education should be raised from one-third to one-half of their total educational expenditure. In 1905 a departure from this principle was permitted in the case of local boards in view of the fact that they were under a legal obligation to devote one-third of the local cess mainly to primary education and were not likely to have much more to spare for the purpose, having an inelastic revenue to meet an expenditure which was rapidly expanding. It was accordingly decided that when funds were available, additional aid might properly be given to the poorer local boards. In and since 1908, important schemes for improving the pay and prospects of teachers in local board and municipal primary schools, for strengthening their teaching staffs and for the extension of primary education generally have been adopted. These involved heavy recurring expenditure, which has been entirely borne by Government. In 1925-26, the Government grant to local boards for primary education amounted to 95 per cent. of the total expenditure of the boards on such education. The effect of the departure sanctioned in 1905 has been that the limit of 50 per cent. of the expenditure has been considerably exceeded. Under the provisions of the Primary Education Act, 1923, district local boards which have taken over control of their schools will continue to receive grants from Government equal to those in the year in which the Act came into operation, but will have to provide one-third of all additional expenditure from their own resources.

(3) *Medical.*—Government grants to local board dispensaries are regulated by rules issued in January 1917. The previous sanction of Government is necessary to the establishment of any dispensary for which it is intended to ask the aid of Government. In determining the extent of assistance to a local board dispensary, consideration is given to the importance of the locality and the funds at the disposal of the Board which is responsible for its maintenance. Government give non-recurring grants-in-aid where necessary towards the construction of the dispensary buildings, and the dispensary is, at the start, provided by Government

(Local Boards)

with all surgical and other instruments free of charge. An annual recurring grant-in-aid is also made towards the maintenance of such dispensaries. The amount of the grant-in-aid does not ordinarily exceed half the total cost of upkeep as estimated by the Surgeon General and is subject to revision every five years.

(4) *Scientific and other minor departments.*—Under this head are included Government grants to veterinary dispensaries. These are based on a consideration of the actual expenditure and the circumstances of the district subject to the limitation that the Government contribution should be not less than one-fourth and not more than one-half of the annual cost of maintenance, excluding the pay and allowances of the officers in charge of the dispensaries, which are wholly borne by Government. For dispensaries newly opened during the course of the year, the Superintendent, Civil Veterinary Department, in consultation with the Collector, is empowered to fix the Government grant at a sum not exceeding Rs. 450 in each case. Government also give grants-in-aid towards the construction of veterinary dispensaries. The contribution in each case is not less than one-fourth and, except in very special cases, not more than one-half of the total cost, including the cost of land if it has to be bought. If Government land is available, it is, with rare exceptions, granted without charge and revenue free.

(5) *Civil Works.*—Under this head are included the following contributions :—

(1) Rs. 19 lakhs being the assignment made by Government to district local boards for objects other than educational ;

(2) Rs. 3 lakhs representing grants to local boards for village water supply (current year's figure) ;

(3) Grants-in-aid to local bodies on account of remission of establishment and tools and plant charges for works executed through the agency of the Public Works Department.

The origin of the first grant was the decision of the Government of India in 1905 to augment the resources of district local boards by a grant from general revenues of an amount approximately equal to one-fourth of the amount which the boards then derived from the local cesses on land. A sum of Rs. 7 lakhs was accordingly allotted to this Presidency, and it was added that the assignment from Imperial to Provincial revenues would be a fixed one of Rs. 7 lakhs whereas the future assignment to the boards, being calculated on their receipts from cesses on land, would necessarily undergo a gradual increase. The Government of India trusted that the local Government would be able to meet the small additional expenditure involved from its growing revenues. The grant has to be spent on objects other than educational, such as the improvement of communications, water-supply and village sanitation and the proper equipment and maintenance of dispensaries, the expenditure on roads and bridges having preference in all cases in which additional outlay on such works can be incurred with advantage. The Government of India left the distribution of this grant to the discretion of the local

(Local Boards)

Government, as some boards might be in a financial position which would render it unnecessary to give them the full additional 25 per cent. on their land cess receipts, while others might be able to spend with advantage more than the amount which would fall to their share under a system of proportionate distribution. Provisional arrangements were at first made by the Bombay Government for the distribution of this Imperial grant. In November 1906 it was decided that 22 per cent. of the grant, i.e., Rs. 1,54,000 should be allotted to the district local boards in Sind, the percentage being based on the average receipts from the provincial rates in Sind during the three years ending 1905-06. In 1911 it was decided to distribute the balance of the grant (Rs. 5,43,000) between the three Divisions of the Presidency—Northern, Central and Southern,—in the proportion of 7, 8 and 6. It may be added that like all Imperial grants, the amount of the Imperial grant of Rs. 7 lakhs has had to be met entirely from provincial revenues since the introduction of Reforms. It was the intention of the Government of India that the local Government should supplement this grant in proportion to the increase in cesses from land. It was not till 1921-22 that the question of increase in the grant was considered and Government decided to give in addition to the usual allotment of Rs. 7 lakhs a grant-in-aid of Rs. 8,24,000, it being laid down that the latter grant should be devoted entirely for the repair of roads. In the year 1922-23 owing to the financial stringency the additional grant was reduced from Rs. 8,24,000 to Rs. 4,00,000. In 1925-26 it was raised to Rs. 11,42,000 and in 1926-27 to 12 lakhs.

The grants for the improvement of village water supply are based on a consideration of the requirements of the district.

GRANTS FOR
WATER-SUPPLY.

The main condition attached to the grant is that twice the amount of the Government grant for a district should be spent for this purpose from other sources, whether local funds or public contributions. The grant is to be considered as made for the whole district and not for particular works. Priority is, however, to be generally given to works in villages where popular contributions are forthcoming.

Prior to 1918 Government used to recover from local boards establishment charges at the rate of 10 per cent. and tools and plant charges at the rate of 1½ per cent. on the total outlay on all local board works executed through the Government Public Works Department establishment. In accordance with the revised rules issued by the Government of India in 1918, these charges are being levied at the rate of 22½ per cent. for establishment and 1½ per cent. for tools since that year. On the representation of certain district local boards, however, Government have decided that the additional charge of 12½ per cent. should be recouped to the local boards by means of grants-in-aid of equivalent amounts in respect of works carried out through the agency of the Government Public Works Department. As under the provisions of the Bombay Local Boards Act, 1923, the powers of the local boards in regard to the preparation of plans and estimates and the execution of works have been considerably increased and local boards are now competent to approve

(Local Boards)

plans and estimates of works costing in the case of roads up to Rs. 300 per mile and in the case of other works up to Rs. 3,000 in all, Government have laid down that no grants-in-aid should be given in respect of works the cost of which is not estimated to exceed these limits.

(6) *Miscellaneous.*—Under this head are included grants made to local boards for various purposes, chief among them being grants-in-aid in respect of the pay and allowances of the Chief Officers of district local boards and of the cost of establishment of such boards under non-official Presidents. Until recently there was no uniformity in the amount of the latter grant which was based on the cost of the clerical establishment entertained in each Collector-President's office just prior to the appointment of the non-official President. Government have now ruled that the grant should be uniform at the rate of Rs. 5,000 for each board having a non-official President. Under Section 119 (2) of the Bombay Local Boards Act, 1923, Government are liable to pay two-thirds of the salary of a Chief Officer or Engineer and the Health Officer of a board when appointments to these posts are made with their approval.

A statement showing the income of district local boards in this Presidency from Government grants-in-aid for each year from 1912-13 to 1925-26 is attached (*vide* Appendix P).

159. The relative responsibilities of district and taluka local boards for expenditure on objects on which local board funds may be expended are set forth in sections 80 and 81 of the Bombay Local Boards Act, 1923. Briefly stated, district local boards are responsible for expenditure on account of education, main roads and other means of through communication in the district, public vaccination and dispensaries and other similar local services of public benefit and the maintenance of property vesting in them. Taluka local boards are responsible for the construction and maintenance of all other roads and works which are purely local and for all local services and institutions not maintained by the district local boards. The total expenditure of district local boards increased from Rs. 77,21,211 in 1912-13 to Rs. 1,73,48,153 in 1925-26—an increase of 124·6 per cent. while the total expenditure of taluka local boards rose from Rs. 13,91,070 to Rs. 18,99,790 during the same period—an increase of 36·5 per cent. During the period from 1912-13 to 1925-26 the income of district local boards has increased by 159·6 per cent. while their expenditure has gone up by 124·6 per cent. (*vide* Appendices Q and R). Of the total expenditure of Rs. 77,21,211 incurred by district local boards in this Presidency in the year 1912-13, 2·37 per cent. was spent on administration, 39·25 on education, 47·83 on civil works and 6·13 on medical relief. The corresponding percentages in 1925-26 were 3·83, 56·37, 29·12 and 5·66 respectively. Local boards are at present dependent to a very large extent on grants-in-aid given by Government. Under the present financial condition of Government there is no prospect of any increase in these grants for some years to come at least, and local boards will have to depend more and more on their own resources if they desire to provide increased amenities to

(Local Boards)

residents in local board areas. Various proposals to increase the resources of local boards are now under the consideration of Government and it is hoped that as a result of the consideration of these proposals the finances of local boards in this Presidency will be placed on a firm footing.

160. A few words may perhaps be added regarding the preparation of the local board budget and the maintenance and inspection of local board accounts. As regards the budget, the present position is practically the same as it was under the Act of 1884. No budget estimate of a local board and no reappropriation of any budget item can be approved or sanctioned unless after such approval the board will have at its credit at the end of the year a closing balance of Rs. 5,000 if it is a district local board or of Rs. 200 if a taluka local board. A further condition laid down under the Act of 1884 was that for every work, whether of first construction or of repair, there should be attached to the budget estimate in which the necessary provision was made a detailed estimate of the cost of such work which had been approved by the Board, and in the case of a road of which the cost was to exceed, on an average, Rs. 50 per mile or of any other work for which the total cost was to exceed Rs. 500, plans and estimates prepared by the Government Executive Engineer of the district. Under the Act of 1923, these monetary limits have been slightly increased and fixed at Rs. 300 per mile in case of roads and of Rs. 3,000 in case of any other works. It has also been laid down that in the case of works the cost of which is estimated to exceed these limits it will be sufficient if the plans and estimates are prepared by an engineer employed by the Board and approved by Government instead of by the Government Executive Engineer of the district.

The accounts of local boards are kept in the form prescribed by Government and are balanced annually. An abstract of the accounts of every local board showing the amounts drawn from the local fund, the charges for establishment, and for all other expenses, the works undertaken and the sums expended on each work and the balance, if any, in hand, is published annually in the *Bombay Government Gazette*. Local boards are required to prepare budget estimates every year and to submit a copy of the budget as approved by them to the Collector. The accounts are audited annually by the staff of the Examiner, Local Fund Accounts, whose reports are published in the *Bombay Government Gazette*.

161. As in the case of municipalities the borrowing powers of local boards are governed by the provisions of the Local Authorities Loans Act, 1914, and the rules issued thereunder. Government have ample powers of control of loans raised by local boards and works executed with their aid. Money can only be borrowed with the sanction of Government after such enquiry as they deem fit and on terms and conditions prescribed

(Local Boards)

by them. Provision is made for securing that the money is duly applied to purposes for which it was borrowed and for inspection through audit officers or other persons specially authorised by Government.

Government control

162. The object of Government control is to provide a sufficient remedy against the various dangers to which a system of administration dependent to a greater or less extent upon the comparatively inexperienced and untrained agency of non-official gentlemen is exposed. The ultimate responsibility of Government for the public welfare entitles them and makes it incumbent on them to satisfy themselves that the functions and duties delegated to local bodies are efficiently discharged. Where powers of subordinate legislation accompanied by penalties as in the case of by-laws or of imposing taxation whose incidence may be harsh or inequitable or of raising loans and pledging the credit and future revenues of the local bodies are granted, State supervision is obviously necessary, while when grants are made from public funds it is both the right and duty of Government to see that the public money is properly spent.

The existing powers of control of Government over local boards as set forth in sections 124-132 of the Bombay Local Boards Act do not differ materially from those exercisable under the old Act of 1884. The only difference worth mentioning is that the old Act provided for the supersession of a board in case of incompetence, default or abuse of powers, whereas under the Act of 1923 there is an alternative to supersession, namely, dissolution of the board. These powers of control include :—

(1) the power of inspection and supervision of the property and records of local boards ;

(2) the power of suspending the execution of orders and resolutions of local boards which, in the opinion of the Collector, are causing or are likely to cause injury or annoyance to the public or to lead to a breach of the peace or are unlawful ;

(3) extraordinary powers, in cases of emergency, to execute any work or to do any act, the immediate execution of which is, in the opinion of the Collector, necessary for the health and safety of the public and to direct the expenses in connection therewith to be paid by the local boards ;

(4) the power to provide for performance of duties in the event of default by a district local board ;

(5) the power to inquire into affairs of local boards ; and

(6) the power to dissolve or supersede local boards in case of incompetency, default or abuse of powers.

These powers are very rarely used, and there has, so far, been only one instance and that very recently, in which a local board has been superseded under section 129. The power of suspending the execution of the orders or resolutions of local boards has only been exercised twice by Collectors in the last three years.

(Village Panchayats)

Local bodies in this Presidency are given as wide a latitude as possible in the exercise of their powers and functions and the powers of intervention exercisable by Government are not resorted to except when it is absolutely necessary to do so in the public interests.

VILLAGE PANCHAYATS

Constitution and Franchise

163. The primary unit in rural areas is the village. Prior to the passing of the Bombay Village Panchayats Act in 1920, the village as such had no real self-governing institution in this Presidency. The Bombay Village Sanitation Act, 1889, provided for the establishment of sanitary committees and sanitary boards, but the duties of these bodies were confined merely to looking after the sanitation of the village. Their income was very limited and did not admit of any schemes of permanent benefit to the village being carried out. The establishment of sanitary committees did not on this account provide sufficient inducement to the villagers to interest themselves in local affairs. The first definite suggestion regarding the formation of village panchayats was made by the Decentralisation Commission of 1909. The question was later taken up by the Government of India first in 1915 and again in 1918. In the latter year the Government of Bombay appointed a special officer to investigate the question of the establishment of village panchayats in the Presidency, and it was the report of this officer which formed the basis of the Bombay Village Panchayats Act, 1920. Under this Act, the Commissioner of a Division, on application in writing made to him either by a district local board after previous notice to the Collector of the district or by the Collector after previous notice to the district local board, may declare any area to be a village for the purposes of the Act by a notification published in the Gazette. The Act lays down that in every such village a panchayat shall be established consisting of such number of persons not less than five as shall be determined by the district local board, and that the officiating Patel (Headman) of the village, if any, or, if there be more than one, the officiating revenue Patel, or, if there be more than one revenue patel, the senior of them, shall be *ex-officio* a member of the panchayat. The members of the panchayat elect one of themselves as *sarpanch* (chairman) in whom is vested the entire executive power of the panchayat. The *sarpanch* is also directly responsible for the due fulfilment of the duties imposed upon the panchayat by the Act. He is removable from office by the district local board if he is found unfit or is persistently remiss in the discharge of his duties.

164. Every adult male resident of the village is qualified to vote at elections of members of the panchayat. Elections are held in accordance with rules made by Government at a meeting presided over by the Assistant or Deputy Collector or other persons appointed by the Collector in this behalf. Members of a panchayat hold office for three years.

CONSTITUTION OF
PANCHAYATS.

FRANCHISE.

(Village Panchayats)

A statement showing the number of panchayats established in each Division of the Presidency, the population of the areas administered by the panchayats, and particulars regarding the chairmen and members is attached (*vide* Appendix S). No panchayats have so far been established in the Bombay Suburban Division and in Sind.

Functions and Powers of Village Panchayats

165. The functions of panchayats are described in sections 18-24 of the Bombay Village Panchayats Act, 1920. They are, briefly,—(a) the supply of water for domestic use in the village; (b) the cleansing of the public roads, drains, tanks and wells (other than tanks and wells used exclusively for irrigation) and other public places or works in the village; (c) the construction, maintenance, and repair of minor roads, drains, and bridges subject to the proviso that such works shall not be undertaken without the permission of the person or authority in whom or in which the road, drain, or bridge vests; (d) sanitation, conservancy, and the prevention or abatement of nuisances; (e) the preservation and improvement of public health; (f) the maintenance and regulation of the use of public buildings vesting in the panchayat, of grazing lands, tanks and wells (other than those used exclusively for irrigation) and (g) the lighting of the village. In addition to the above duties, the panchayats, subject to rules made by the district local boards, also (a) supervise the village schools; (b) supervise the labour employed by local boards on works within the village; (c) manage and maintain cattle pounds, and (d) perform such other administrative duties as are from time to time assigned to them by the Governor in Council.

166. The powers of panchayats may be classified under the following heads :—

POWERS OF
PANCHAYATS

- (1) Powers of appointment, etc., of establishment;
- (2) Powers to frame rules and by-laws;
- (3) Powers of taxation.

(1) *Powers of appointment.*—Under section 22 of the Act, a village panchayat may determine the number and salaries of its servants required for carrying out the duties imposed upon it by or under the Act, subject to the control of the district local board, which can require the panchayat to reduce either the number or the remuneration of the servants appointed or proposed to be appointed by a panchayat, if in the opinion of the district local board such number or remuneration is excessive. A panchayat is bound to carry out the requirements of the district local board, subject to the proviso that it may appeal against any such requirement to Government whose decision is final. The actual power to appoint the servants of the panchayat (except in the case of the Secretary whose appointment is made by the panchayat itself subject to the approval of the district local board), when once their number and salaries have been fixed, vests in the *sarpanch*.

(Village Panchayats)

(2) *Powers to frame rules and by-laws.*—The panchayats by themselves have no power to frame any rules or by-laws, all such power being vested by the Act in the district local boards. The latter are empowered to make rules regulating the levy of additional taxation by panchayats and fixing the form for the submission by panchayats of statements of their annual income and expenditure. The district local boards also have power to make by-laws regulating sanitation, conservancy, sources of water supply, disposal of corpses, offensive trades or callings and like matters. Eleven district local boards have so far framed rules regulating the levy of taxation by panchayats, and only one of them has framed by-laws regarding sanitation in villages in which panchayats have been established.

Panchayats are invested by the Act with certain minor magisterial powers. Section 39 of the Act provides that every breach of a by-law made under the Act, shall, unless the district Magistrate otherwise directs, be cognizable by the panchayat.

(3) *Powers of taxation.*—Under section 26 of the Act, the levy of a house tax, subject to a maximum fixed by Government, is compulsory in the case of panchayats. The following is the maximum prescribed by Government :—

(1) For house tax based on capital value of houses 6 annas in the Presidency and 4 annas in Sind per 100 rupees of capital value ;

(2) For house tax based on annual letting value of houses 10 per cent. in the Presidency and 6½ per cent. in Sind of such value.

The panchayats also have power to levy, subject to the veto of the Governor in Council and with the approval of and in accordance with rules made by the district local boards, any tax on the owners or occupiers of houses or lands within the village and to impose an octroi.

Finance

167. The sources of income of a village panchayat are mainly (1) the local taxes ; (2) grants from the district local boards ; (3) fines realised in prosecutions for breaches of by-laws made under the Act ; (4) the sale proceeds of or income from any property vesting in the panchayat ; (5) any amount which may be allotted to the village fund by Government ; (6) any sums other than fines ordered by a Court to be placed to the credit of the village fund ; (7) all sums received by way of loans from Government or by way of gift. Unlike district local boards and municipalities village panchayats receive no grants from Government, and as a corollary the direct control of Government over the working of panchayats is comparatively limited as shown in the next paragraph. Figures showing the annual income and expenditure of panchayats established in this Presidency are not available. Two statements showing the income and expenditure for 1923-24 of the panchayats in the Central Division, which contains nearly half the total number

SOURCES OF INCOME
OF VILLAGE PANCHAYATS.

(Village Panchayats)

of panchayats established in the Presidency are attached. (*Vide* Appendices T and U.)

Control of local boards and Government

168. It is the district local board which directly controls the working of the panchayats within its jurisdiction. Such control may be classified under the following heads :—

CONTROL OF DISTRICT LOCAL BOARDS AND GOVERNMENT.

- (1) Appointment of servants ;
- (2) Framing of the annual budget ;
- (3) Inspection of accounts ;
- (4) Suspension of execution of orders passed by a panchayat ;
- (5) Execution of necessary works in cases of emergency ; and
- (6) Performance of duty in case of default by the panchayat.

The extent of the control of district local boards over village panchayats in regard to appointments has already been described above. The district local board is empowered to lay down the form in which and the date by which the annual budget estimates of the panchayats within its jurisdiction should be submitted for its approval. It is also open to the board to direct that the expenditure on any of the items shown in the estimates should be increased or decreased, provided that any such order of the district local board is passed within two months after receipt of the estimates and provided also that the total expenditure as proposed by the board does not exceed the estimated income of the village fund for the following year. A district local board has power, subject to the orders of Government, to suspend the execution of any order or resolution or to prohibit the doing of any act by a panchayat if in its opinion the action of the panchayat is likely to cause injury or annoyance to the public or to lead to a breach of the peace. In cases of emergency the board may provide for the execution of any work which a panchayat is empowered to execute and the immediate execution of which is, in its opinion, necessary for the health or safety of the public, and may direct that the expense of executing the work shall be forthwith paid by the panchayat. The only important power which Government have reserved is that of superseding a panchayat which exceeds or abuses its power or makes persistent default in the performance of its duties. Government have had no occasion so far to use this power.

169. A report was called for from the Commissioners in February 1924 on the working of the village panchayats established in this Presidency.

GENERAL REMARKS. It transpired from the reports that no panchayats had been established in the Bombay Suburban Division and in Sind and that in the majority of cases in the Northern, Central and Southern Divisions the panchayats which had been established were not working satisfactorily. In consequence of these reports Government in June 1925 appointed a committee to examine the causes of the general unpopularity of panchayats and to

(Notified Area Committees)

suggest means to make them more attractive than at present. The report submitted by the Committee is under consideration.

NOTIFIED AREA COMMITTEES

170. Notified area committees are embryonic municipalities intended to meet the needs of areas intermediate in size and importance between the village and the town of the ordinary municipal standard. They are established in this Presidency under the provisions of Chapter XIV of the Bombay District Municipal Act, 1901, in areas in which, in the opinion of Government, improved arrangements for municipal matters are required, but which, nevertheless, it is not expedient to constitute as municipalities. They are limited to towns which are the headquarters of talukas or are situated within a distance of one mile from a railway station. A notified area cannot under the provisions of the Act include two or more towns or villages which are separated by an extent of more than one mile of land unoccupied by houses.

171. The affairs of a notified area are administered by a person or committee appointed by Government. In the case of areas which are the headquarters of talukas such committees consist of not less than 3 or more than 5 persons of whom the majority must be residents of the area. An official of the rank of a Deputy Collector, Mamlatdar or Mahalkari is usually appointed to be the Chairman of the Committee. The taxes are imposed in and rules are made for notified areas by Government and in doing so Government adopt the taxes imposed and the provisions and rules in force in municipalities. Additions to and alterations in the taxes levied are made by Government generally at the instance of the committee. The taxes principally imposed in notified areas are the house-tax, the wheel tax, the general sanitary cess, the special sanitary cess, octroi and toll tax.

172. The main duties of a notified area committee are (1) laying out streets and regulating buildings; (2) lighting public streets, places and buildings; (3) watering public streets and places; (4) cleaning public streets, places and sewers and all spaces not being private property which are open to the enjoyment of the public; removing noxious vegetation and abating all public nuisances; (5) regulating or abating offensive trades and practices; (6) removing obstructions and projections in public streets or places; (7) securing or removing dangerous buildings or places and reclaiming unhealthy localities; (8) constructing, altering and maintaining public streets, culverts, boundary marks, markets, slaughter houses, latrines, etc.; (9) planting and maintaining roadside trees.

173. Some time after the Village Panchayats Act of 1920 was passed, Government issued instructions to the Commissioners suggesting that wherever practicable, proposals should be submitted for replacing the existing notified area

(Village Sanitary Committees and Sanitary Boards)

committees by village panchayats. As a result of the proposals so submitted the number of notified areas was reduced from 25 in 1921-22 to 13 in 1922-23. A statement showing the number of notified areas in existence during each of the years 1905-06 to 1925-26, their population, income and expenditure is appended. (*Vide* Appendix V.)

VILLAGE SANITARY COMMITTEES AND SANITARY BOARDS

Village Sanitary Committees

174. Under the Bombay Village Sanitation Act of 1889 two types of village organisations were created in this Presidency

CONSTITUTION. having for their object the improvement of the sanitary condition of villages, namely, (1) Village Sanitary Committees and (2) Village Sanitary Boards. The Act provides that there shall be a village sanitary committee or a sanitary board in every village or group of two or more villages to which the Act is extended. A sanitary committee consists of three or more adult householders, residents of the village, chosen by the Collector, of whom the police patel of the village is one, unless the Collector otherwise determines. For the purpose of aiding him in his choice, the Collector can procure the nomination or election by the householders of the village of qualified persons in such mode as may be expedient. The Chairman of the committee is nominated by the Collector. Every Magistrate having jurisdiction in the village may take part in the proceedings of the committee at any of their meetings at which he is present, and such Magistrate, or if there be more than one, the highest in magisterial rank of such magistrates is, for the time being, to be regarded as a member and President of the committee for the occasion.

175. The sanitary committee has, with the approval of the Collector,

FUNCTIONS AND POWERS. power to make rules (a) regulating the terms of office of its members and its proceedings; (b) determining the manner in which its proceedings shall be recorded; (c) procuring and preserving for the use of the village an adequate supply of drinking water; (d) for the cleansing of the streets and open spaces of the village; (e) for preventing accumulations of offensive and noxious matter in the village; (f) for preventing nuisances, indecent and insanitary acts, or omissions in the village; and (g) generally for giving effect in the village to the purposes of the Act.

All offences against rules made by the committee are cognisable by the committee.

176. For the purpose of providing for the village an adequate supply of drinking water, of cleansing streets and open spaces

SOURCES OF INCOME. of the village, of removing offensive and noxious matter and for other purposes conducive to the health and comfort of the inhabitants of the village, the sanitary committee may utilise, as far as available, the voluntary labour of inhabitants of the village and the services of such of the village servants as may be placed at

(Village Sanitary Committees and Sanitary Boards)

its disposal by the Collector. The inhabitants of the village may by voluntary subscription raise any sum of money for any of the purposes mentioned above; and if any sum of money of which the expenditure is authorised by the committee is not forthcoming from voluntary subscriptions and is not available from any other source, it may be recovered by a rate charged on the inhabitants of the village and assessed by the Collector in conference with the sanitary committee. The levy of the rate is, however, subject to the proviso that the amount so charged in any year on the inhabitants of the village shall not exceed one-half of the aggregate amount leviable in that year as local fund cess from the inhabitants of such village.

Village sanitary committees receive grants from taluka local boards. Generally the proportion in which the funds of a sanitary committee are made up is as follows :—

- Provincial funds—3 units ;
- Local board funds—4 units ;
- Popular contributions—5 units.

Sanitary Boards

177. A sanitary board consists of such number of persons appointed by the Collector as he may deem expedient, from among those residing within or near the area which is subject to the board's authority and having property therein. The police patel is ordinarily a member of the board. The meetings of the board are presided over by the magistrate of the highest rank present who is a member, or, in the absence of such magistrate, by such member as the Collector may appoint to be the president.

178. The functions and powers of sanitary boards are similar to those of sanitary committees. The only important additional provision in the case of sanitary boards is that relating to the appointment of sanitary inspectors. The Act provides that the Collector may from time to time appoint a sanitary inspector for any area or any part of the area subject to the authority of a sanitary board and also such other subordinates as shall appear necessary and determine the amount of the salary to be paid to each of such officers.

179. A statement showing the number of sanitary committees and sanitary boards working in the Presidency for each of the years from 1916-17 to 1925-26 and particulars about the chairmen and members of such committees and boards is appended. (*Vide* Appendix W.)

CANTONMENTS

180. In the early days of the British administration in India, the camps, stations and posts of the field army developed into cantonments where troops were stationed in garrison. The administration of such cantonments was exclusively in the hands of military authorities until

(Cantonments)

1809, when the civil law was introduced into them for the first time by Regulation III of 1809. The regulation defined the powers of the Officer Commanding the troops in criminal cases. With the lapse of time, non-military persons were permitted more liberally to reside in cantonments under various regulations. Land was allowed to be occupied and houses were built mainly for the accommodation of officers and for other military purposes under the rules and conditions prevailing at the time. These rules laid down that the ground within cantonments was to be kept appropriated exclusively for the use of troops, and Government has never up to now given up the position that all land within cantonments belongs to Government and is liable to resumption. Act XXII of 1864, consolidated and elucidated the law relating to civil and criminal justice as administered in cantonments. A new functionary called the Cantonment Magistrate was created. He was given all the powers of a District Superintendent of Police in subordination to the Inspector-General of Police, but subject to the general control and direction of the Commanding Officer of the Cantonment. The District Magistrate had no control over him. He was also the Judge of the Court of Small Causes, if any, within the cantonment, and Deputy Registrar for the purposes of the Indian Registration Act. The Act of 1864 also modified the law relating to the leasing of land and houses which was a source of discontent among the civil population in cantonments, and provided for the better sanitation and general administration of these areas. There was practically no provision for taxation and no recognition of a cantonment committee or board. The Act was applied to the Bombay Presidency in 1867. It was amended by Act III of 1880 which provided for the imposition of taxes in cantonments of the same description as were commonly imposed in municipalities. Act XIII of 1889, introduced important changes in cantonment administration. It recognised and gave a legal status to cantonment committees and cantonment funds and placed the Cantonment Magistrate under the control of the District Magistrate in matters magisterial. The Act did not provide for the constitution of cantonment committees. It was left to the Government of India to do this by rules. In exercise of that power the Government of India framed a rule that in every cantonment with respect to which the local Government had determined that a cantonment committee should be constituted, it should ordinarily consist of—

- (a) the Commanding Officer of the cantonment or a combatant officer appointed by Station Orders ;
- (b) a First Class Magistrate appointed by the District Magistrate ;
- (c) such other officers as might be appointed by Station Orders ;
- (d) the Cantonment Magistrate ;
- (e) the Sanitary Officer ;
- (f) the Executive Engineer ;
- (g) the District Superintendent of Police.

(Cantonments)

181. Further changes were made by Act XV of 1910, but it was not till 1924 that the most important and far-reaching change was made in the law relating to cantonments. **CHANGES MADE IN 1910 AND 1924.** India Act II of 1924 repealed the Act of 1910. For the first time the elective element was introduced in cantonments. The Act makes specific provision for the constitution of a cantonment authority. Ordinarily, every cantonment with a population of more than 2,500 has now a cantonment board consisting of the following members :—

- (a) The Commanding Officer of the cantonment.
- (b) A First Class Magistrate nominated by the District Magistrate.
- (c) The Health Officer.
- (d) The Executive Engineer.
- (e) Such military officers not exceeding four in number as may be named by the Commanding Officer.
- (f) Such number of *elected* members as is equal to the number of members constituted or nominated by or under clauses (b) to (e).

182. The powers and functions of a cantonment authority which are **POWERS AND FUNCTIONS.** similar to those of municipalities are defined in the Act and are very wide.

In the Bombay Presidency the cantonments of Karachi, Hyderabad, Ahmednagar, Deolali, Nasik, Poona, Kirkee and Belgaum have cantonment boards. The cantonments of Ahmedabad, Santa Cruz, Drigh Road (near Karachi) and Aden are of minor importance and the Commanding Officer of each is the authority administering them as a Corporation Sole.

Another important change introduced by the Act of 1924 is the elimination of the Cantonment Magistrate who was the most important functionary of the system of cantonment administration and combined in his person judicial and executive powers. His judicial work has now been transferred to the civil judicial staff of the local Governments and executive powers have been vested in an Executive Officer, who is also Secretary to the Cantonment Board. Cantonment authorities are bodies corporate capable of suing and being sued in their corporate name and of making contracts. They have also been empowered to make by-laws, subject to the approval of the local Government, and to control local matters of administration. The Cantonment Fund is now a local fund vested in the Cantonment Authority and not in the Secretary of State. The local Governments now exercise certain larger powers of superintendence and control over cantonment affairs. Before the passing of the Act of 1924, it was the Government of India who could sanction taxation in cantonments. The final authority now for this purpose is the local Government. The military authorities retain certain special powers in matters affecting the health, welfare and discipline of troops.

(Cantonments)

183. The cantonment fund was recognised and given legal status by the Cantonments Act, 1889. Most of these funds were not self-supporting and the Government of India contributed to them annually. By the Act of 1924 a cantonment fund has been established. Section 106 of the Act recognises the following sources of income besides the surplus balance :

(a) all sums received by or on behalf of the cantonment authority ;
and

(b) save as provided, all fines recovered from persons convicted of offences committed within the cantonment under certain laws specified in the Act.

Under (a) would ordinarily fall rent of estates, interest from investments and realisations from cantonment taxes. Section 60 enables the local Government to impose any taxes in a cantonment which, under any enactment in force, may be imposed in any municipality within the province.

184. Section 109 of the Cantonments Act, 1924, provided that the cantonment fund and all property vested in a cantonment authority should be applied for the purposes for which by that Act or any other law for the time being in force, powers are conferred or duties or obligations are imposed upon a cantonment authority.

185. The borrowing powers of cantonment authorities are controlled by the Local Authorities Loans Act IX of 1914. Government have ample powers of controlling loans raised by cantonment authorities and works executed with their aid. Money can be borrowed only with the sanction of Government and after such inquiry as they may think necessary.

186. The wide powers conferred on cantonment authorities have necessitated provisions for their adequate control. These are contained in sections 46 to 54 of the Act of 1924. The Governor-General in Council and the local Government have power to call for extracts of proceedings, plans, estimates, accounts, etc., of a cantonment authority and require it to furnish any other information. The Governor-General in Council and the Officer Commanding-in-Chief have power to cause an inspection of the office records or work controlled by the cantonment authority to be made and to require it to take such action as they may consider necessary, or to cause necessary action to be taken at the expense of the cantonment authority. A decision of a cantonment authority may be suspended or overruled by an order of the local Government and a cantonment authority may be superseded by the local Government with the previous sanction of the Governor-General in Council for gross or persistent neglect of its duties or abuse of its powers.

(Summary)

SUMMARY

187. In the preceding chapters an account has been given of the advance made in local self-government in each of its different forms, local self-government in the villages, in local boards and in municipalities. A brief summary of the principal changes introduced during the last eight years may be useful.

Prior to 1920 local self-government in villages was practically non-existent. Sanitary committees and sanitary boards existed in a very few villages only. By the Village Panchayats Act of 1920, local self-government has been extended to villages on a much greater scale by the constitution of panchayats.

By the Local Boards Act of 1923 the franchise for district and taluka local boards has been considerably extended, the electorate for taluka local boards having been increased to 1,091,464. At the same time, the elective element in district local boards has been raised to a minimum of three-fourths of the total number of members.

In municipal areas in the mofussil the franchise has been considerably lowered and the electorate increased from 167,000 in 1919 to 505,000 in 1927 in round figures. The municipal electorate which was 7 per cent. of the total municipal population in 1919 is now nearly 20 per cent. In Bombay City the franchise has been lowered and the electorate increased from 12,000 to 119,000.

Presidents and Vice-Presidents both of local boards and municipalities have been everywhere made elective. Municipalities have been given full powers in the selection of their chief officers. Women have been made eligible for election both as municipal councillors and as members of district local boards. The elective element has for the first time been introduced into the administration of cantonments. The control of primary education has been transferred almost entirely to municipalities and local boards. Much wider powers of taxation have been given to municipalities and local boards.

PART II—Working of Representative Institutions

188. The methods of elections for municipalities are laid down in the election rules of the municipalities which are based on Model Election Rules framed by Government under the Bombay City Municipalities Act, 1925, and the Bombay District Municipal Act, 1901, for major and minor municipalities respectively. Most municipalities use ballot papers with symbols for the purpose of voting, but there are some, particularly in Sind, which have retained the coloured-box system. For the purposes of municipal elections each municipal district is divided into a certain number of wards and the number of councillors to be elected by each ward is laid down in the first instance. Every person whose name is entered in the municipal election roll may be a candidate for election in any ward, provided that he is not disqualified under sections 12 and 15

METHODS OF ELEC-
TION IN MUNICI-
PALITIES.

(Methods of Election in Municipalities and Local Boards)

of the Bombay City Municipalities Act, 1925, and the Bombay District Municipal Act, 1901, respectively. A Muhamniadan candidate may, however, not stand for election in a non-Muhamniadan ward and *vice versa*.

The date, time and place of a general municipal election are fixed by the Collector of the district concerned and notice of such election is given and published not less than 15 days before the date fixed for the election. Copies of the notice are also put up at the municipal office and other conspicuous places in the municipal district.

If the number of candidates who are duly nominated does not exceed the number of vacancies no election is held and such candidates are declared elected. But if the candidates outnumber the vacancies, a poll is taken. The president of the municipality appoints the necessary number of polling and identifying officers for each polling station. The method of voting is either the cross and symbol system or the coloured-box system.

When the polling is over, the ballot boxes are sealed up in the presence of the candidates and their agents and handed over to the President for safe custody. The votes are counted at a special general meeting of the municipality convened for the purpose. In the event of two or more candidates getting an equal number of votes, the selection of one of such candidates is made by lot; if one and the same person gets the highest number of votes in more than one ward, he is at liberty to choose for himself in which ward he should be returned as a member, and in this case the candidates with the next highest number of votes in the remaining wards are declared elected for those wards. If such candidate fails to make the choice for himself, the Collector has power to determine which ward he should represent. The result of the election is declared by the chairman of the meeting, and is recorded in the proceedings of the meeting; the chairman certifies and reports it to the Collector, who causes it to be published in the *Bombay Government Gazette*, or in the *Sind Official Gazette*, if the municipal district happens to be in Sind.

The elections of members of local boards are held in accordance with the Bombay Local Boards Election Rules, 1924, made by the local Government under section 133 of the Bombay Local Boards Act, 1923. Except in respect of minor details, these rules are similar to the election rules of municipalities. A "Returning Officer" is appointed for the election by the Collector of the district who also fixes the date, hour and place for the receipt of nomination papers, scrutiny of nomination papers and recording and counting of votes. The Collector determines the villages, within the constituency, in which the elections of members are to be held, and causes a written notice of the date of the election and dates and hours of its various stages to be posted up in conspicuous places in every village of the constituency in which the election is to be held. Such notice is usually published in at least one daily or weekly vernacular newspaper, if any, published in the district.

METHODS OF ELECTION : LOCAL BOARDS.

(Representation of Minorities and Special Interests)

The Collector appoints as many polling stations as are necessary and selects sites for them. One polling officer is appointed for each station and, if necessary, a presiding officer to exercise general supervision. All village officers have to be present at the election. The voting paper prescribed is similar to that used by municipalities according to the "cross and symbol" system of voting. A voter is allowed as many votes as there are members to be elected and may give all his votes to one candidate, or may distribute them among several candidates at his discretion. When the counting of the votes has been completed, the Returning Officer forthwith declares the candidate or candidates, who have received the largest number of votes, to be elected. The Collector then causes the names of the members thus elected to be published in the *Bombay Government Gazette*.

189. There is hardly any party system in elections to local self-governing bodies in this Presidency, nor is there, generally speaking, a superfluity of candidates, especially in local board elections. The only problem is to secure representation of communities which are in a minority, and the only minorities which require special representation in local bodies in this Presidency are the Muhammadans and the backward classes. The system of proportional representation has not been tried as it is too complicated to be satisfactorily worked by the average rural electors.

There are, however, two comparatively simple methods of securing minority representation tried in this Presidency, which resemble the proportional representation system, in that they require multi-membered constituencies for their operation. The first is the "limited vote" system, by which an elector votes for a number of candidates less than the number of seats to be filled. In such a case, with, say, three seats to be filled, if each elector has two votes a minority of more than two-fifths, that is 2 to 3, can secure at least one seat, and if each has only one vote a lesser minority of anything more than one-third, that is 1 to 2 can similarly secure a seat. The chief defect of this system, however, is that in the case of small minorities a large number of seats will have to be grouped together, so as to enable them to secure a seat. The difficulty is specially pronounced in the case of rural boards. The accompanying statement (Appendix X) shows that in the Presidency proper the percentage of Muhammadans in rural areas to the total population of such areas is only 5·6, and assuming that their voting strength is as great as this—an assumption which is perhaps unduly favourable—it would only be by grouping together on an average 18 seats in a single constituency that representation could be assured to them. The method was tried in some of the municipalities in Sind, in order to increase the number of elected Muhammadan members, but in spite of the fact that owing to the large Muhammadan population the system had theoretically every chance of success, the results were not very encouraging.

(Representation of Minorities and Special Interests)

The cumulative vote system is another device for the same purpose. Under this system, each voter has as many votes as there are seats to be filled, and he is at liberty to distribute his votes as he pleases, giving them all, if he so wishes, to one candidate. In this case, assuming that there is a three-membered constituency, a minority of over one-third can secure one seat by plumping all its votes for its candidate. This system is more effective in securing representation for a small minority than the limited vote system. It has been adopted by most municipalities in this Presidency and is also used for local board elections. It is, however, open to the same objection—although perhaps in a lesser degree—as the limited vote system, in that it is only by grouping together a large number of single-membered constituencies that representation for a small minority can be secured. An aggregation of a large number of seats is a thing which should be avoided as far as possible, as it does away with one of the most essential features of representation on local bodies, viz., the connection of a member with a definite and not unduly large constituency and the advocacy of its wants and needs and supervision of the working of local institutions in it by him.

In some of the smaller municipalities conditions are favourable for the representation of minorities through the cumulative vote system. The representation of localities in the case of such municipalities is not of much importance, as distances are small and local interests less divergent. It is possible for every member to be or to make himself acquainted with the needs and conditions of all parts of the municipal district, and it would be quite possible in theory to have all members elected on a general ticket without dividing the municipalities into wards, or to secure the representation of minorities by dividing the municipality into large wards, each returning a number of members, and adopting the system of cumulative voting. But in the case of the larger municipalities and of district and taluka local boards, whose jurisdiction extends over a much larger area, separate representation of separate localities is essential, and it is difficult to secure this if a large number of constituencies are grouped together as under the cumulative system. Hence the usefulness of the system as a means of securing the representation of minorities in municipal and local board elections is limited. It has also been noticed that a minority cannot benefit to any appreciable extent under any such special system of voting unless it has a sufficient number of voters on the electoral roll on the existing franchise. Karachi afforded a good example of this prior to the introduction of the system of separate electorates for Muhammadans. The Muhammadans who constitute more than one-half of the total population had less than one-fifth of the voters on the electoral roll, with corresponding results as regards elections.

It is also necessary that the minority which has a fair prospect of securing a seat must work and organise itself if it is to benefit by the special system of voting devised for it. Thus, in the Poona city municipality, up to 1916, a substantial Muhammadan minority of

(Representation of Minorities and Special Interests)

over 12,000 never managed to secure an elective seat, in spite of ward re-arrangements and a grouping of seats into multi-membered constituencies. It may also be noted that whereas under proportional representation a minority may hope to secure representation in proportion to its voting strength only, the demand of the minority communities is for representation on a *population basis*.

Largely owing to the reasons mentioned above, the two systems already described have not been found very effective in securing minority representation on local bodies.

Another method adopted for the purpose of securing adequate representation of minorities is that of nominating members representing particular communities, classes or interests. This method has been adopted from the time of the first institution of local self-governing bodies in order to correct inequalities in representation of different communities and interests. But with the policy, which has been steadily followed during the last twenty years of increasing the proportion of elected members and of reducing the number of nominated members, the value of this method has diminished considerably. The number of nominated members on local bodies is now very limited and the system of nomination can hardly be said to permit of adequate representation being given to the various minorities affected.

The widening of the franchise is also one of the methods adopted for the purpose, among others, of securing the representation of minorities. As already stated the franchise for these bodies has been widened considerably within the last few years. One of the objects of the extension of the franchise was to ensure that the voting strength of the various communities may as nearly as possible be proportionate to their population. But in the conditions obtaining at present in this Presidency, particularly owing to the illiteracy of the masses, the extent to which representation of minorities can be secured by a lowering of the franchise must necessarily be limited.

Another method of securing minority representation is the creation of separate electorates for the minority communities or interests. The system of communal representation has obvious disadvantages. But in deference to public opinion and also in view of the fact that the principle of communal representation has been adopted in the case of elections for the local Legislative Council, Government have introduced the system of communal representation for Muhammadans in the case of elections to local bodies also. At present out of 156 mofussil municipalities, 145 have adopted communal representation and the Bombay Local Boards Act of 1923 expressly provides for separate representation for Muhammadans on local boards. In the case of the Bombay Municipal Corporation there are separate seats reserved for the representation of special interests such as the Bombay Chamber of Commerce, the Indian Merchants' Chamber, the Bombay Millowners' Association and Fellows of the University of Bombay.

(Representation of Minorities and Special Interests)

To sum up, minority representation is at present secured in this Presidency by a combination of four methods, viz., (1) extension of the franchise by keeping the voting qualification as low as possible, (2) the adoption of the cumulative system of voting in multiple-seated constituencies, (3) the provision of separate electorates for minorities, and (4) nomination.

How far these methods have been successful will be seen from the accompanying statements Y, Z, AA showing the constitution of municipalities in certain selected districts in the years 1908-09, 1919-20, 1925-26 and 1926-27 respectively and the constitution of local boards in the same districts in the three years last mentioned above.

Taking the case of municipalities first, the following figures are interesting :—

Names of Municipalities	Year	Percentage of elected non-Muhamma-	Percentage of elected non-Muhamma-	Percentage of elected Muhammadan
		dan advanced classes to total number of elected members	dan backward classes to total number of elected members	members to total number of elected members
Municipalities in the Hyderabad District.	1908-09	91·7		8·3
	1919-20	72·2		27·8
	1925-26	53·4	1·7	44·9
Municipalities in the Panch Mahals District.	1908-09	35·7		64·3
	1919-20	44·4		55·6
	1925-26	43·7	9·8	46·5
Municipalities in the Bijapur District.	1908-09	45·8	41·7	12·5
	1919-20	50	43·2	6·8
	1925-26	39·5	36·9	23·6
Municipalities in the Dharwar District.	1908-09	46·5	52·3	1·2
	1919-20	30·3	68·4	1·3
	1925-26	14·4	76·5	9·1
Municipalities in the Satara District.	1908-09	51·6	45·2	3·2
	1919-20	37·6	55·9	6·5
	1925-26	12·6	77·2	10·2

It will be seen that generally there has been a substantial increase in the percentage of elected members belonging to the non-Muhammadan backward classes and to the Muhammadan community in places in which there is a sufficiently large population of these communities.

The attempt to secure adequate representation for the backward communities on district and taluka local boards has, however, not proved equally successful and there are still some districts in which local board members belonging to the non-Muhammadan advanced classes outnumber those belonging to the Muhammadan community and the non-Muhammadan backward classes, e.g., Poona, Panch Mahals, Ahmedabad and Ratnagiri. There are others like West Khandesh

(Interest taken by electors in Municipal and Local Board Elections)

and Ahmednagar, in which although the non-Muhammadian advanced classes do not actually preponderate, they still hold nearly 50 per cent. of the total number of elective seats on those boards. This is apparently due to the fact that a greater portion of the electorate in rural areas is less educated and less organised than the electorate in urban areas. It may, however, be mentioned that there are certain districts, notably Bijapur, Dharwar, Sholapur and Satara, in which the backward classes have taken full advantage of the extended franchise and ousted the advanced classes from the prominent position which they formerly held on local boards.

On the whole, the methods employed by Government in this Presidency for securing the representation of minorities have proved fairly successful, and if in the case of elections to rural boards they have not yielded uniformly good results, it is mainly because of the want of organisation on the part of the electorate. It does not appear necessary to alter the methods in any way.

190. Municipal elections have, as a rule, aroused a fairly keen interest and have been well contested all over the Presidency including Sind. The degree of interest aroused has varied in different parts of the Presidency, and was not as great in the earlier years of the Reforms period as during the later years. Cases have not been infrequent in which there has been either no contest at all or the seats have had to be filled by nomination, owing to the absence of candidates for election. In a large number of municipal elections 50 to 55 per cent. of the electors have voted. In the elections in 1919-20 in Belgaum, Gokak and Dharwar in the Southern Division as many as 69, 76 and 74 per cent. respectively of the voters turned up at the polls. A noticeable feature of the elections has been the election of members of the depressed classes in some of the municipalities.

The interest evinced in elections to district and taluka local boards has been much less keen. This is what may naturally be expected, as the electors are, on the whole, less intelligent and less interested in questions of local self-government than the inhabitants of urban areas, and voters have to go much longer distances to record their votes than in towns. The number of cases in which elections were uncontested and in which seats had to be filled by nomination, owing to absence of candidates, has also been very much larger in local board elections than in municipal elections. Thus, in the local board elections in the Central Division, in 1919-20, in one taluka there were no contested elections at all, and in one group of the taluka the seat had to be filled by nomination owing to the absence of a candidate. In another taluka in the same Division there were no contests in 4 groups, and in still another taluka no contests in any of the groups. In 1920-21, in the Bijapur district of the Southern Division, only 71 per cent. of the seats were contested. In the elections in the Belgaum district of the Southern Division, in 1922-23 contests occurred only in 27 out of 48 groups. In the case of contested groups

(Relationship between representatives and constituents : The growth of Parties : The growth of informed public opinion)

52 per cent. of the electors voted. In the same year, in the Dharwar district there were no contests in 10 out of 66 groups ; in the contested groups 38 per cent. of the electors voted. In the Kanara district of the same Division there were no contests in 29 out of 62 groups, and no candidates for 4 seats ; 36 per cent. of the electors voted. In the Kanara district, in the elections of 1925-26 little more than half the votes were polled for taluka local board elections, and considerably less than half for district local board elections ; more than half the total number of seats were uncontested. The lack of interest in local board elections was particularly noticeable in some of the Muhammadan constituencies in the Southern Division. This fact would seem to show that so long as a certain number of seats are reserved for members of the Muhammadan community, under the system of communal representation, the community as a whole is indifferent as to which individual member or members represent it.

A feature of the local board elections, especially in the Central and Southern Divisions, which is specially worth noticing is the struggle for supremacy between the Brahmins and non-Brahmins and the success of the latter, who form the bulk of the rural population.

Statistics showing the number of voters in municipalities and local boards at various periods have been given in Appendices B and K.

191. The members of local bodies consist mainly of the local leaders of the predominating castes, lawyers and politicians. Wealth is of minor importance. It not infrequently happens that the more well-to-do men in a constituency do not stand for election, or, if they do stand, are not elected. The tendency of those who have the biggest stake in the country to stand aloof from local politics is in some places a regrettable sign of the times.

RELATIONSHIP BETWEEN
REPRESENTATIVES AND
CONSTITUENTS : THE
GROWTH OF PARTIES :
THE GROWTH OF INFORMED
PUBLIC OPINION.

The relationship between members of local bodies and their constituents is not sufficiently well-defined. A member once elected hardly ever consults his constituents even on important questions, nor do the latter, as a rule, take the trouble to keep themselves informed of what he does as their representative, so long as he does not do anything adversely affecting their interests. There have been no cases in which members had to resign their seats owing to differences of opinion with their constituents.

The electorate is apt to be capricious. An elected member who has given a perfectly good account of himself during his term of office may be cast aside if opposed by a more vocal candidate, especially if he has shown any tendency to favour an increase of taxation.

Candidates belonging to the same sub-caste do not ordinarily contest the same seat. Muhammadans are not so capricious in the choice of candidates as the Hindus. Generally, the influential Muhammadans in a constituency carefully select their candidate and the rank and file of the community follow them. Private jealousies sometimes come into

(Relationship between representatives and constituents : The growth of Parties : The growth of informed public opinion)

play and upset the leader's calculations, but as a rule there is a fair amount of cohesion in the ranks of Muhammadan voters.

Except perhaps in Bombay City and barring the Swarajists in some of the municipalities in the mofussil, there are no parties in local bodies united by bonds other than communal. Members as a rule are divided into communal groups and vote on communal lines. Sometimes persons who have common interests combine, as when landlords combine to oppose an increase in the house-tax or traders to oppose an increase in the octroi duties. There is, however, as a rule, little sign of definite lines of policy developing among them. The general cry is "no increase in taxation." On this all groups and parties are agreed except in the case of demands for education. It is gratifying to find that all the districts in Sind and a considerable number of the districts in the Presidency proper outside Gujarat have agreed to an increase in the Local Fund Cess in order to provide for the expansion of primary education.

Despite the difficulties caused by communalism, there are undoubtedly signs to indicate that the interest of the people in local self-government is steadily growing. This is evidenced by the success which attended the Local Self-Government Conference held in 1926 under the Presidency of the Minister for Local Self-Government and the steps then taken to start the Local Self-Government Institute, the main objects of which are to conduct propaganda among the people with a view to impress upon them the importance of local self-government and its aims and objects. The Institute is making fair headway ; it held a second general conference in 1927 ; and organised several district and divisional conferences at important centres in the Presidency. It also conducts classes to train candidates for employment under local self-governing bodies, and the general committee of the Institute has made arrangements to have the various aspects of local self-government introduced and discussed at the debating clubs of several of the high schools and colleges in the Presidency.

In a number of districts there are to be found persons of experience and good standing who are ready to devote their time and labour to local affairs. These persons generally exercise a moderating influence over the contending parties in local boards and municipal councils and often manage to secure a predominating position in them. Where such men exist and are able to secure the presidential chair, it has been found that local administration is carried on successfully. It may be taken as a rule that in local self-governing bodies, in this Presidency at any rate, the influence of one man in the body becomes a deciding factor between good and bad administration. This applies as much to the Swarajists as to others. In Ahmedabad City, the Swarajist regime of the late municipal president, Mr. Patel, was admittedly successful and won the encomiums of both the Collector and the Commissioner. Mr. Patel has recently resigned. Other city municipalities such as Karachi, Sholapur

(Relationship between representatives and constituents : The growth of Parties : The growth of informed public opinion)

and Dhulia have been singularly fortunate in having for their presidents men of experience and sound common-sense. The district local boards have, perhaps, been even more fortunate in this respect till quite recently, when the influence of communalism has driven from office some of the best men. The evil results of the selection of members on communal considerations alone and irrespective of their merits are reflected in the working of the Sholapur and the Nasik district local boards, in both of which the non-Brahmins obtained for themselves a predominant position.

In the Sholapur district local board, owing to the incompetence of the president, frequent quarrels among the members, and employment of inefficient and unqualified subordinates, the administration of the board deteriorated to such an extent that Government were compelled to appoint a special officer to hold an enquiry into its working. The report of the special officer revealed that the affairs of the board were in a thoroughly bad way, that no proper accounts were kept, that some of the members of the board were themselves improperly drawing travelling allowance which they were not entitled to receive, and that there was practically no check of any sort over expenditure from local board funds. On the recommendation of the special officer, Government have since superseded the board for a period of three years.

In Nasik matters were found to be even worse. The Collector reported in May 1927 as follows :—

"The District Local Board, Nasik, is an utterly hopeless body. The president does not know English, was elected solely for party reasons and is quite incapable. Nothing is ever done and letters from the Collector and other officers remain unanswered for months together."

Subsequently, in November 1927, he submitted a detailed report on the working of the district local board, from which it was clear that there was gross mismanagement in the administration of the board and several cases of defalcations and misappropriation of local board funds. Government accordingly appointed a special officer to enquire into the working of the board. The special officer's report has been received, and reveals a more deplorable state of affairs than in Sholapur. The local board accounts are in a completely chaotic condition ; vouchers are not forthcoming in the case of a large number of items of expenditure ; there have been several instances of flagrant breaches of the provisions of the Local Boards Act and the rules issued under it, frequent changes both in the administrative and the educational staff with consequent loss of efficiency and there is definite evidence to show that local board funds have been frittered away and used for illegal purposes by some of the members of the board. The report of the special officer is still under the consideration of Government.

To sum up, it may be said that—

- (1) there are signs of a growing interest in local self-government among the people ;

(Effects of communalism on Local Self-Government and on the progress of Primary Education)

- (2) this interest is apt to be warped by communal considerations ;
- (3) there are few signs of any development of parties on definite lines in local bodies ;
- (4) the electorate is capricious and apt to vote from personal and communal considerations rather than on considerations of what is for the public good ;
- (5) the success or failure of local self-governing bodies in this Presidency is more often than not decided by the presence in the local body of some one individual of outstanding influence.

EFFECTS OF COMMUNALISM ON LOCAL SELF-GOVERNMENT AND ON THE PROGRESS OF PRIMARY EDUCATION.

192. The effects of communalism on Local Self-Government have been already referred to in connection with the progress of primary education ; *vide* Chapter III, paragraph 83-D and Appendices J to N.

LOCAL SELF-GOVERNMENT AND THE NON-CO-OPERATION MOVEMENT : RELATIONS OF LOCAL BODIES WITH GOVERNMENT OFFICERS.

193. It was unfortunate that the transfer of the subject of local self-government to the control of a Minister should have coincided with a determined attempt on the part of the Non-co-operation party to capture the local bodies. The attempt succeeded to some extent in the case of the municipalities but hardly affected the working of local boards.

The Minister would have preferred to give the local bodies greater freedom and to avoid the use of the emergency powers of control, but the openly defiant attitude of some of the larger municipalities such as Ahmedabad, Surat and Nadiad left him no alternative. The line of attack adopted by these three municipalities was to declare themselves emancipated from Government control so far as education was concerned, to refuse Government grants for their schools and to disallow inspection of the latter by Government officials. Such a course contravened the law of the land, but it was alleged that the will of the ratepayers, which they professed to have ascertained, justified them in over-riding the law. This open defiance forced upon Government the task of vindicating the law and compelled the Minister to adopt measures of repression. Two of the municipalities were superseded : the president of the third was removed from office. This action was taken in the beginning of 1922 when Mr. Gandhi was in the plenitude of his power.

The prompt action taken by Government in the case of the three municipalities referred to had a most salutary effect on the other municipalities some of which, *e.g.*, Karachi, Poona, Broach, Nasik and Borsad were also exhibiting signs of the same unconstitutional spirit but not to such an extent as to render disciplinary action by Government necessary.

By 1924 the non-co-operation movement had spent itself, and the general recognition of this fact has had a marked effect on the relations between Government and the local bodies. No local body in the Presidency now objects to taking Government grants. In Ahmedabad the

(Exercise by Government of their extraordinary powers of control over Local Bodies)

Leading Swarajist councillors, finding their own position none too safe, were ready to seek the advice of the Commissioner and the Collector. And although the Swarajist councillors may still be in a majority in a few of the bigger municipalities, they are careful to see that they act in a constitutional manner and in accordance with the law.

The bulk of the smaller municipalities and most of the district local boards—though they may have contained a percentage of non-co-operators among their councillors and members—were never prepared to go to extremes and have generally maintained a friendly relationship with Government and their officials.

EXERCISE BY GOVERNMENT OF THEIR EXTRAORDINARY POWERS OF CONTROL OVER LOCAL BODIES. 194. The powers of control exercised over local bodies may be classified as under, viz. :—

- (a) Powers conferred on the agents (officers) of Government;
- (b) Powers reserved to Government itself.

As regards (a) above, the agencies are—

- (i) The Audit Department, which examines and audits the accounts of local bodies and makes a report to Government;
- (ii) The Revenue officials, viz., Collector of a District and the Commissioner of a Division.

The powers exercisable by the Collector and the Commissioner are defined in the District Local Boards Act and the Municipal Acts. They are—

	Sections of the District Local Boards Act	Sections of Municipal Acts
(1) Powers of inspection and supervision.	124	173 of Bombay Act III of 1901. 213 of Bombay Act XVIII of 1925.
(2) Powers of suspending execution of orders, etc., of local bodies.	125	174 of Bombay Act III of 1901. 214 of Bombay Act XVIII of 1925.
(3) Extraordinary powers in cases of emergency.	126	175 of Bombay Act III of 1901. 215 of Bombay Act XVIII of 1925.

The powers reserved to Government are—

	Sections of the District Local Boards Act	Sections of Municipal Acts
(1) Power to provide for performance of duties in the event of default by a local body.	127	178 of Bombay Act III of 1901. 218 of Bombay Act XVIII of 1925.
(2) Power to enquire into affairs of local bodies.	128	217 of Bombay Act XVIII of 1925.
(3) Powers of dissolution and	129	171 of Bombay Act III of 1901. 219 of Bombay Act XVIII of 1925.

(Exercise by Government of their extraordinary powers of control over Local Bodies)

There were three instances in which Collectors had to suspend resolutions passed by local boards. In the first case, which occurred in 1921, the Collector of Thana suspended the execution of the resolution passed by the district local board, Thana, in connection with the picketting of liquor shops. The Collector's order was confirmed by the Commissioner and the Government. In the second case, which occurred in 1926, the president of a taluka local board tried to oust the local Mukhtiarkar from the position of chairman of the Works Committee by circulating a misleading proposition among the members of the board and obtaining the consent of some of them thereto, instead of following the usual method of discussing the proposition at a regular meeting of the board. It was also found that the circular was not sent to some of the members who were likely to object to the proposition, and it was alleged that some of the signatures were forged. The Collector accordingly ordered the suspension of the execution of the resolution which was passed by the circular.

In the third case, which occurred in 1927, the district local board, West Khandesh, passed a resolution amalgamating the taluka local board balances with the district local board balance. As this was clearly unlawful the Collector suspended execution of the resolution.

In the following cases. Government were compelled to interfere :—

District Local Boards (Total No. 27)

- | | |
|--|---------------------------------|
| Number of cases in which Government appointed an officer to conduct enquiries under section 128. | 4. For details see Appendix BB. |
| Number of cases in which serious mismanagement was reported and in which final orders were issued. | 2. For details see Appendix CC. |
| Number of cases in which serious mismanagement was reported, but in which final orders of Government have not yet been issued. | 6. For details see Appendix DD. |

Municipalities (Total No. 156)

- | | |
|--|---------------------------------|
| Number of cases in which action was taken under section 178 of Bombay Act III of 1901, or under section 218 of Bombay Act XVIII of 1925. | 7. For details see Appendix EE. |
| Number of cases in which mismanagement was reported. | 4. For details see Appendix FF. |
| Number of cases in which municipalities were dissolved. | 1. For details see Appendix GG. |
| Number of cases in which municipalities were superseded. | 3. For details see Appendix HH. |

(Exercise by Government of their extraordinary powers of control over Local Bodies)

Number of cases in which the final 1. For details see Appendix II.
orders of Government have not yet
been issued.

It has been mentioned above that the functions of audit are restricted to examination and report. Prior to the introduction in 1907 of the system of audit of the accounts of municipalities and local boards by the Examiner, Local Fund Accounts, there was no regular local audit of their accounts which were examined in the office of the Accountant General and consolidated returns showing receipts, disbursements, closing and opening balances of these bodies were submitted to Government by the Accountant General every year. It was subsequently felt that the audit of the accounts of the local bodies in the office of the Accountant General did not afford an effective check over the funds of the local bodies such as could be secured by local audit and in 1903 Government introduced experimentally a scheme for the audit by the Local Audit Department of the Accountant General, of the accounts of certain municipalities which agreed to pay fees to cover the cost of audit. (A similar audit had been in force in the case of municipalities in Sind since 1894.) Later Government decided that the accounts of *all* local bodies should be audited *periodically* on the spot by the auditors of the Local Audit Department and the officer in charge of the Department, *viz.*, the Examiner, Local Fund Accounts. The present system of audit was accordingly introduced with effect from 1st April 1907. The first report on the audit of the accounts of these bodies was for the year 1907-08. Appendices JJ, KK, LL, show (a) cases of embezzlements and misappropriations, (b) financial irregularities, and (c) cases of delay in disposing of audit notes from 1907-08 :

(a) The cases of embezzlement were mainly due to the lack of supervision and control of the boards over their staff. The recent growth of Brahmin, non-Brahmin strife and the Hindu Muhammadan tension has been to some extent responsible for the slackness in supervision and control of the local bodies and the consequent corruption among the establishment.

(b) The financial irregularities detected by the Local Fund Department were mainly of the following descriptions :—

- (1) Inadequacy of action taken on audit notes ;
- (2) Bad finances ;
- (3) Arrears of dues ;
- (4) Non-observance of Government orders ;
- (5) Non-observance of municipal or local board bye-laws ;
- (6) Negligence of rate-payers' interests ;
- (7) Want of Commissioner's sanction to changes in establishment ;
- (8) Non-observance of provisions of Local Boards and Municipal Acts ;
- (9) Irregularities in expenditure on public works ;
- (10) Short credits, overpayments, etc.

(Exercise by Government of their extraordinary powers of control over Local Bodies)

Most of the financial irregularities detected by the Examiner were due to the want of supervision of the executive officers of the board.

(c) Delay in disposal of audit notes.—Under the system at present in operation the Accountant General is responsible for the correctness and uniformity of audit rulings and the executive authorities for the enforcement of these rulings and the punctual disposal of audit objections. Under the Municipal and Local Boards Acts and the rules made thereunder it is the specific duty of the President or the Chairman of the Managing Committee or of the Standing Committee, among other things, to watch over the financial administration of the local body and to exercise supervision and control over the acts and proceedings of all officers and servants of the local body in matters concerning the accounts. Some Presidents endeavour to profit by audit notes but in far too many cases the disposal of the audit notes is too long delayed, the main reason being that the members usually have not the patience nor the expert knowledge to study and benefit by these reports.

Shortly after these bodies acquired a liberal measure of independence, they were called upon to frame a set of rules under the Acts then in force suited to the practical needs of the local administration. As a result of considerable pressure, by the year 1914-15 almost all municipalities framed or revised their rules and bye-laws. It soon became apparent that local bodies were manifesting reluctance to rectify the irregularities brought out in audit and in spite of admonitions and repeated instructions they continued to evade taking proper action on the audit notes. In consequence, Government were compelled to issue special orders directing that the Local Audit Department should in future address the Commissioners of Divisions concerned or the Commissioner in Sind, as the case may be, in cases discovered during the course of annual audit where audit notes are deliberately ignored by local bodies and ask the Commissioner to hold such enquiry as he may think necessary into the objection raised and issue orders himself or, where he is not empowered to issue orders, refer the matter to Government for orders; and that the Commissioner in Sind and the Commissioners of Divisions should include in future in the usual annual reports on the working of local boards and municipalities a brief summary of the reports of the Local Audit Department and the action taken on them by the Commissioners. Recently evidence has accumulated to an alarming degree, indicating—

(a) that in regard to administration, the supervision exercised by the boards over their staff is inadequate;

(b) that in financial matters, due regard to economy is too frequently not exercised;

(c) that in regard to the selection of staff the influence of communalism is strongly displayed.

The lamentable state of affairs which has been revealed in the enquiries recently held at Sholapur and Nasik has caused Government to feel

(The suitability of existing areas for the growth of representative institutions)

the necessity for more organised and efficient control. The Auditor-General has suggested that steps should be taken to define the auditor's position and give him specific powers, if necessary, by special legislation. The Divisional Commissioners have therefore been asked to consider, in conference, (1) the advisability of adhering to the policy laid down in the Government orders above referred to and (2) to examine the possibility of giving auditors powers of surcharge of monies spent improperly at the instance of members of these boards.

195. There are five distinct classes of local self-governing bodies in this Presidency, viz., (1) municipalities, (2) district and taluka local boards, (3) notified area committees, (4) village panchayats and (5) sanitary committees and boards. Municipalities are divided into two classes, viz., (1) temporary and (2) permanent. Temporary municipalities are established in those places in which periodical fairs are held or which are visited periodically by pilgrims, but which owing to their small size and limited permanent population are unsuitable for conversion into permanent municipalities. These municipalities function only at certain specified recurring seasons which coincide with the rush of pilgrims. The necessity of having proper sanitary arrangements at such places when large numbers of people congregate together is obvious. As instances of temporary municipalities may be mentioned the municipalities of Gudguddapur, Yamnur, Gokarn and Ulvi. Except for very special reasons or except in the case of hill stations a permanent municipality must have a population of at least 2,000, and it is not legal to include any city, town, station or suburb in a permanent municipal district with any other city, town, station or suburb from which it is separated by an extent of more than one mile of land unoccupied by houses. Actually the lowest population in a permanent municipal district is 1418* in the Presidency proper and 1409 in Sind. During the course of the last 41 years, 29 municipalities were abolished and 23 newly created. Municipalities are generally abolished when it is found that the municipal districts concerned are no longer suitable for municipal government, either owing to a decrease in their population or to a general decline in their trade and commerce, making it impossible to collect sufficient funds from local taxation for the proper working of the municipalities. New areas are converted into municipal districts when their population is on the increase and their rapid development makes it necessary to establish municipalities in those areas. The functions and powers of municipalities under the various Municipal Acts are sufficiently varied and extensive to make the people take an increasing interest in municipal government and its problems. The existing municipal areas in this Presidency which have stood the test of time are all suitable for the growth of municipal government.

*Juhu Municipality.

(The suitability of existing areas for the growth of representative instns.)

The jurisdiction of district and taluka local boards extends over the revenue district and taluka respectively excluding those portions which have been constituted into municipal districts or cantonments.

The boards have all been reconstituted with non-official presidents and an elected majority. Their functions and powers have been very much enlarged; they have been given powers of taxation; under the provisions of the Bombay Primary Education Act, 1923, they can now exercise direct control over local board primary schools; and provided they appoint a competent engineer approved by Government, they can undertake their own works without limit of cost. The district local boards as constituted at present, thus give sufficient scope for the rural population to interest themselves in matters pertaining to local self-government. Taluka local boards are bodies subordinate to the district local boards. Although under the Bombay Local Boards Act, 1923, they have been entrusted with certain specific functions and powers, they derive their authority mainly from the district local boards, their annual budgets have to be approved by the latter and in most matters they are subject to the control of the district boards. The object underlying the creation of taluka local boards was to assist district local boards in ascertaining the local needs of the taluka. The jurisdiction of a district local board extends over such a wide area that it is obviously impossible for a central body situated at the headquarters of a district to gauge fully the needs of the different outlying parts of the district and their relative importance and urgency. But if the system of village panchayats is extended throughout the Presidency, the need for taluka local boards may disappear. Village panchayats are, however, just at present not very popular. Taluka local boards as constituted at present do not help much in developing the civic sense in the people, and the people do not take much interest in their working.

Village panchayats are comparatively a recent development in this Presidency. They were designed to inculcate in the village people the principles of local self-government and to enable them to provide for their local needs by self-taxation. They have not up to now been very popular, and in many cases it has been impossible for Government to establish panchayats at all owing to the organised opposition of the villagers, who either do not come forward for election as members of the panchayats or have been forcing those who have been elected to resign, by a general boycott of such members. The chief reasons for the unpopularity of village panchayats are—

(1) the unwillingness of the village people to tax themselves:—the compulsory house tax, which is a feature of the panchayat, is not liked by most of the villagers who would not object so much to the levy of an indirect tax;

(2) inadequacy of funds:—the Village Panchayats Act, 1920, does not provide for any subventions to these bodies from Government, because they are not ordinarily subject to the control of Government. The district local boards, who control the working of these bodies,

(Local Self-Government Institute)

have on the other hand not sufficient funds with them to enable them to make liberal grants to village panchayats ;

(3) the general illiteracy of the villagers ;

(4) village factions ;

(5) the inexperience of the members of the panchayats who are usually devoid of any sense of public duty ;

(6) want of adequate powers, especially petty civil and criminal powers.

It is a view very definitely held by some that the institution of village panchayats is in advance of public opinion and has been pressed on people who are not ready for it.

Government have been giving their anxious attention to the question of making these bodies more popular than at present, and with this object in view appointed a committee in 1925 to examine the question and to submit a report in the matter. The committee have recorded it as their opinion that apart from a few exceptional cases, village panchayats are not thriving, but that on the contrary they are likely to disappear unless special measures are taken to revive them and that such measures should take the form of subventions, the bestowal of more responsible duties and the grant of judicial and criminal powers in suitable cases. The detailed recommendations made by the committee with regard to the amendment of the Village Panchayats Act, 1920, are still under the consideration of Government, and it is hoped that as a result of the consideration of these recommendations it will be possible to make the panchayats more attractive.

As already stated, Notified Area Committees are embryonic municipalities intended to meet the needs of the class of urban areas intermediate in size and importance between the village and the town of the ordinary municipal standard. The scope of these committees is limited, but they pave the way for the formation of municipalities when the areas are sufficiently developed.

Village Sanitary Committees and Sanitary Boards are the least advanced of the different types of local bodies in existence in this Presidency. The duties of these bodies are confined merely to looking after the sanitation of the village. Their income is very restricted and does not permit of any schemes of permanent benefit to the village being carried out. They do not therefore provide sufficient inducement to the villagers to interest themselves in local affairs. The policy of Government is to replace these bodies by village panchayats wherever possible.

196. In this connection mention may be made of the establishment of the Local Self-Government Institute which, though

**LOCAL SELF-GOV-
ERNMENT INSTITUTE.**

not an administrative measure, deserves notice, on account of the potentiality of the development of its activities in local self-government matters. The object of its establishment was to enable local bodies to co-ordinate their activities and to make joint representation to Government in matters affecting all municipalities. One of its functions is to educate public opinion in matters of local self-government by issuing leaflets, arranging lectures, etc

(Changes of policy in the Administration of Local Boards and Village Panchayats)

For the present, however, its activities are confined to the conduct of a training class for executive officers of municipalities and the publication of a municipal year book. It also does some propaganda work for the education of public opinion. The origin of this Institute was the conference of local bodies held at Poona in 1926 at the instance of Government. The Institute was formally established by His Excellency the Governor at the second conference held in 1927. It is too early to judge of the benefit or otherwise of having such a body. It may be observed that the Institute is the first of its kind in India. The influence of the Legislative Council in municipal matters is rather restricted. Two important changes in municipal law were, however, made by the Council when the Bombay City Municipalities Act, 1925, was passed, *viz.*, (1) the grant of separate representation to the depressed classes and (2) the power taken by itself to modify or rescind rules and by-laws made by Government under the Bombay City Municipalities Act (section 221). No committee was appointed by the Council in respect of municipal matters.

197. The Bombay Local Boards Act, 1923, is responsible for releasing local boards from official control and giving them an elective majority with enhanced powers of control and taxation. This Act which was passed in 1923 is not, however, the direct result of the introduction of the Reforms in 1921 but is, as already noted, the outcome of the acceptance by Government of most of the recommendations made by the Lawrence and Pratt Committees and by Mr. Martin, during 1915-18 and their embodiment in the present Act. It must, however, be admitted that as a result of the transfer of the subject of Local Self-Government to the Minister under the Reforms, all matters affecting local boards are looked into with a sympathetic and liberal outlook and the reasonable wishes of the Legislative Council are complied with as far as possible. The increased grants-in-aid given to district local boards, the starting of a Local Self-Government Institute with a training class, the appointments of the committees (a) to consider and report on the question of giving additional financial assistance to district local boards, and (b) to consider and report on the question of the transfer of medical and veterinary staffs, etc., to district local boards are instances in point.

The Village Panchayats Act, which is responsible for the formation of village panchayats in the Presidency was passed in 1920, *i.e.*, prior to the introduction of the Reforms. The Village Panchayat branch of Local Self-Government is also in the charge of the Minister for Local Self-Government and as in the case of local boards, all matters affecting village panchayats are treated sympathetically, and the reasonable wishes of the Legislative Council are complied with as far as possible. The appointment of a committee to consider and report on the future of the village panchayats is cited as an instance of a broad outlook into village panchayat matters.

CHANGES OF POLICY
IN THE ADMINISTRATION
OF LOCAL BOARDS
AND VILLAGE PANCHAYATS.

(Appendices A and B)

APPENDIX A

Statement showing the constitution of the Municipalities in the Bombay Presidency during the years 1884-85, 1895-96, 1907-08, 1918-19 and 1925-26

Numbers of members of committee

1884-85	1,897,867	162	552*	1,190*	155*	2,512	680*	1,237*	294*	1,803*
1895-96	2,260,046	160		1,477	903	2,880	660	1,730	187	2,168
1907-08	2,349,138	159	475		880	2,207	577	1,630	188	2,019
1918-19	2,374,895	156		781	1,087	2,232	410	1,512	95	2,127
1925-26	2,677,507	156	195	478	2,424	3,097	220	2,877	41	3,058

* These figures exclude figures for the Southern Division which are not available.

APPENDIX B

Statement showing total number of voters in mofussil municipalities in 1919 and 1926

Serial Number	Division of the Presidency	Number of voters	
		1919	1926
1	Northern Division ..	74,810	170,072
2	Central Division ..	24,069 (Ten municipalities' records not available).	124,136
3	Southern Division ..	29,874	72,154
4	Bombay Suburban Division ..	3,947	12,055
5	Sind ..	24,115 (For 5 City Municipalities and 3 Town Municipalities. Remaining 18 had no elective franchise in 1919).	126,674
	Total for the Presidency ..	166,805	505,091
		263 per cent. increase.	

APPENDIX C

*Statement showing the Total Amount of Grants and Contributions received
by mofussil Municipalities from 1901-02 to 1925-26*

(Appendix O)

APPENDIX

Statement showing the total amount of grants and contributions received by

Year	Government Grants				Local Board	
	For general purposes	For Educational purposes	For Medical purposes	Total	For general purposes	For Educational purposes
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1901-02	11,264	1,75,581	69,563	2,56,408	17,594	56,968
1902-03	8,162	1,87,551	2,06,541	4,02,254	23,603	63,894
1903-04	7,183	2,38,340	59,835	3,05,308	18,822	73,305
1904-05	7,313	2,55,509	27,221	3,90,043	18,511	53,962
1905-06	49,022	3,37,717	27,448	4,14,187	22,127	57,710
1906-07	10,016	3,23,749	29,831	3,63,596	33,625	53,456
1907-08	16,602	3,40,159	31,658	3,88,419	26,850	59,049
1908-09	3,04,780	3,30,214	80,810	7,15,804	21,168	57,245
1909-10	4,63,963	3,69,506	34,427	8,67,896	74,333	58,496
1910-11	2,95,850	3,96,136	89,871	7,81,857	39,762	56,873
1911-12	4,77,428	3,84,061	75,177	9,36,666	51,004	55,617
1912-13	4,98,036	5,63,896	32,939	10,89,871	22,905	67,633
1913-14	13,49,993	5,67,219	51,227	19,68,439	25,923	60,466
1914-15	4,04,836	6,33,043	33,715	10,71,594	20,644	64,259
1915-16	5,07,361	6,07,206	56,263	11,70,830	14,530	55,182
1916-17	74,688	5,72,619	44,958	6,92,265	15,525	52,157
1917-18	2,08,347	5,99,353	48,833	8,56,533	19,632	57,111
1918-19	1,56,553	7,89,453	43,834	9,89,840	24,638	57,354
1919-20	5,25,086	13,45,602	59,930	19,30,618	21,032	55,747
1920-21	2,41,724	12,34,828	67,077	15,33,629	24,312	53,472
1921-22	3,16,725	13,29,707	86,051	17,32,483	22,524	54,124
1922-23	3,25,694	14,79,700	66,623	18,74,022	30,321	62,904
1923-24	3,34,792	15,32,391	1,13,262	20,41,345	25,923	62,496
1924-25	3,21,642	21,32,550	2,30,679	25,84,871	14,567	57,946
1925-26	2,22,678	17,01,611	3,30,113	23,14,407	22,961	43,812

(Appendix C)

C

Mofussil Municipalities from 1901-02 to 1925-26

Grants		Contributions from other sources				Grand Total
For Medical purposes	Total	For general purposes	For Educational purposes	For medical purposes	Total	
Ra.	Ra.	Ra.	Ra.	Ra.	Ra.	Ra.
41,563	1,16,125	7,945	8,053	5,558	21,556	3,04,089
41,562	1,29,059	16,470	8,074	6,233	30,777	5,62,090
42,023	1,34,150	8,089	7,390	6,154	21,633	4,61,091
40,820	1,13,813	7,102	6,434	10,891	24,427	5,27,783
43,103	1,22,940	7,008	14,121	11,196	32,325	5,69,452
50,402	1,42,483	28,751	10,688	6,187	45,626	5,51,705
53,313	1,39,212	9,756	19,165	8,117	37,038	5,64,660
53,227	1,31,640	9,425	15,685	11,397	36,507	5,33,951
42,786	1,75,615	27,307	5,277	10,462	43,046	10,86,557
56,088	1,52,723	1,00,311	10,044	24,454	1,34,809	10,69,389
43,077	1,49,696	68,757	19,564	25,938	1,14,259	12,00,623
50,089	1,40,617	95,099	41,573	37,576	1,74,248	14,04,736
43,020	1,29,429	29,776	40,057	40,148	1,09,981	22,07,849
47,848	1,32,751	19,199	31,200	24,968	75,267	12,79,612
47,961	1,17,623	21,363	10,909	7,713	40,485	13,23,023
49,721	1,17,403	8,676	23,689	10,102	47,467	8,57,135
55,776	1,32,519	15,361	20,950	47,115	33,926	10,72,978
43,740	1,30,732	1,54,518	17,998	10,812	1,33,323	13,03,000
54,617	1,31,396	26,530	19,350	26,952	73,332	21,25,346
54,487	1,39,171	38,973	50,967	14,484	1,02,429	17,75,229
62,333	1,73,936	40,165	20,928	15,982	77,025	19,38,444
53,012	1,35,737	33,480	12,668	25,000	76,308	20,35,967
50,336	1,33,305	76,300	9,677	12,035	98,612	22,73,762
51,433	1,34,001	6,365	44,179	8,011	58,095	27,67,967
45,923	1,12,723	32,697	23,020	22,462	66,179	25,15,306

(Appendix D)

APPENDIX D

Statement showing the income of mofussil Municipalities from 1901-02 to 1925-26

Year	Income from taxation	Other income	Total income	Incidence of taxation per head of population	Incidence of income per head of population
	Rs.	Rs.	Rs.	Rs. a. p.	Rs. s. p.
1901-02	49,70,883	17,47,821	67,18,404	1 8 10	2 4 7
1902-03	45,22,466	21,94,008	67,16,474	1 14 8	2 18 2
1903-04	47,33,693	23,71,421	71,05,114	1 10 7	2 10 6
1904-05	53,55,212	30,92,337	84,47,549	1 11 6	3 1 0
1905-06	41,75,002	28,23,931	69,98,933	1 12 3	2 15 7
1906-07	44,32,304	17,24,136	61,56,740	1 14 0	2 9 8
1907-08	46,14,969	20,63,805	65,78,774	1 14 9	2 12 10
1908-09	46,11,016	25,10,035	71,21,051	1 15 5	3 0 6
1909-10	50,01,369	30,73,174	80,74,543	2 2 0	3 6 11
1910-11	49,75,034	25,04,416	74,79,450	2 1 10	3 2 9
1911-12	56,44,985	27,60,473	84,05,458	2 6 4	3 9 1
1912-13	55,01,036	32,89,777	87,90,813	2 5 5	3 11 9
1913-14	59,64,737	40,31,413	99,96,155	2 8 3	4 3 6
1914-15	58 39,220	32,50,918	91,30,138	2 7 7	3 13 6
1915-16	61,18,594	31,69,879	92,88,473	2 9 4	3 14 9
1916-17	65,09,497	28,26,907	93,36,404	2 12 5	3 14 6
1917-18	70,94,317	35,38,270	1,06,32,087	3 0 1	4 8 1
1918-19	77,36,710	46,44,927	1,23,81,637	3 4 1	5 3 5
1919-20	84,91,827	64,43,959	1,49,35,786	3 9 1	6 4 4
1920-21	99,35,355	80,81,431	1,80,16,686	3 11 5	6 11 10
1921-22	1,08,84,085	67,33,658	1,76,16,743	4 0 11	6 9 1
1922-23	1,22,71,154	57,49,543	1,80,30,697	4 9 7	6 11 11
1923-24	1,33,55,461	61,14,356	1,94,69,817	5 7 1	7 15 4
1924-25	1,46,13,363	76,70,941	2,22,84,304	5 7 6	8 5 5
1925-26	1,53,09,861	69,78,545	2,22,88,406	5 11 6	8 5 2

(Appendix E)

APPENDIX E

Statement showing the incomes of Municipalities from direct and indirect taxation separately

Year	Income from direct taxation	Income from indirect taxation	Total
	Ra.	Ra.	Ra.
1901-02	18,37,000	31,34,000	49,71,000
1902-03	19,07,000	26,15,000	45,22,000
1903-04	20,38,000	26,96,000	47,34,000
1904-05	20,85,000	32,90,000	53,55,000
1905-06	21,96,000	31,85,000	53,81,000
1906-07	22,37,000	21,96,000	44,33,000
1907-08	24,00,000	21,00,000	45,00,000
1908-09	24,75,000	21,25,000	46,00,000
1909-10	25,66,000	24,34,000	50,00,000
1910-11	26,50,000	23,25,000	49,75,000
1911-12	28,56,000	27,89,000	56,45,000
1912-13	29,23,000	25,78,000	55,01,000
1913-14	32,01,000	27,64,000	59,65,000
1914-15	34,82,000	23,87,000	58,69,000
1915-16	35,82,000	25,56,000	61,18,000
1916-17	37,16,000	27,93,000	65,09,000
1917-18	39,06,000	31,89,000	70,95,000
1918-19	43,29,000	34,08,000	77,37,000
1919-20	49,94,000	34,98,000	84,92,000
1920-21	59,10,000	40,25,000	99,35,000
1921-22	61,77,000	47,07,000	1,08,84,000
1922-23	67,99,000	54,72,000	1,22,71,000
1923-24	74,69,000	59,16,000	1,33,85,000
1924-25	81,09,000	65,03,000	1,46,12,000
1925-26	90,02,000	63,07,000	1,53,09,000

(Appendix F)

APPENDIX F

showing the annual expenditure (excluding items of "Extraordinary and Debt") of municipal Municipalities from 1901-02 to 1925-26

Year	Administration	Public Health and convenience excluding Civil works	Education	Civil Works	Miscellaneous	Total
1901-02	Rs. 19,80,035	Rs. 19,80,763	Rs. 7,17,451	Rs. 4,00,478	Rs. 6,38,739	Rs. 57,35,466
1902-03	.. 15,58,305	.. 21,32,529	.. 7,45,903	.. 6,04,076	.. 6,58,396	.. 57,39,211
1903-04	.. 14,15,961	.. 23,80,164	.. 7,99,723	.. 5,98,376	.. 6,16,083	.. 58,05,307
1904-05	.. 13,55,536	.. 26,76,983	.. 9,17,974	.. 6,52,259	.. 6,93,356	.. 67,95,908
1905-06	.. 17,92,058	.. 27,99,923	.. 9,72,480	.. 7,40,145	.. 6,89,825	.. 69,94,417
1906-07	.. 6,37,883	.. 25,77,663	.. 9,70,482	.. 6,69,694	.. 7,53,622	.. 56,09,334
1907-08	.. 6,35,884	.. 25,83,963	.. 10,58,133	.. 9,30,448	.. 8,02,308	.. 60,10,466
1908-09	.. 6,76,380	.. 30,59,549	.. 10,86,461	.. 10,49,372	.. 8,54,361	.. 67,26,023
1909-10	.. 6,77,078	.. 32,14,188	.. 11,05,191	.. 10,41,689	.. 9,40,040	.. 69,78,186
1910-11	.. 7,28,612	.. 32,75,502	.. 12,08,476	.. 12,63,141	.. 9,45,869	.. 74,21,800
1911-12	.. 8,00,785	.. 39,94,075	.. 12,74,774	.. 14,90,116	.. 10,39,996	.. 85,99,746
1912-13	.. 8,36,426	.. 48,94,427	.. 14,99,034	.. 14,05,236	.. 12,06,164	.. 98,41,287
1913-14	.. 8,65,916	.. 43,23,442	.. 14,89,119	.. 13,28,278	.. 12,42,718	.. 92,59,473
1914-15	.. 9,23,037	.. 43,86,156	.. 15,86,772	.. 16,81,768	.. 14,65,114	.. 1,00,42,847
1915-16	.. 10,14,940	.. 52,84,606	.. 16,39,822	.. 12,01,197	.. 11,53,663	.. 1,02,94,317
1916-17	.. 10,32,539	.. 42,02,279	.. 16,42,874	.. 11,52,338	.. 13,26,529	.. 93,56,559
1917-18	.. 10,93,613	.. 43,84,870	.. 16,75,869	.. 11,57,373	.. 14,05,777	.. 97,17,502
1918-19	.. 12,36,320	.. 47,15,117	.. 21,72,027	.. 11,68,812	.. 24,35,974	.. 1,17,28,250
1919-20	.. 13,55,690	.. 56,57,327	.. 26,69,369	.. 14,58,338	.. 35,50,301	.. 1,47,31,525
1920-21	.. 15,40,145	.. 65,20,329	.. 30,33,730	.. 20,35,978	.. 32,52,384	.. 1,63,82,566
1921-22	.. 17,12,516	.. 66,86,985	.. 33,31,398	.. 20,51,422	.. 32,16,434	.. 1,74,96,955
1922-23	.. 17,65,372	.. 73,80,447	.. 36,58,663	.. 23,87,330	.. 23,53,935	.. 1,75,45,767
1923-24	.. 19,15,878	.. 85,44,512	.. 40,33,673	.. 23,44,428	.. 23,61,218	.. 1,92,49,706
1924-25	.. 20,30,309	.. 95,08,392	.. 45,40,922	.. 25,35,214	.. 32,11,057	.. 2,18,75,794
1925-26	.. 22,00,306	.. 1,13,99,185	.. 43,31,507	.. 29,10,737	.. 31,44,588	.. 2,39,86,323



(Appendix G)

APPENDIX G

1931 municipalities

Year	Total expenditure		Extraordinary and Debt		Total disbursement	
	Rs.	a. p.	Rs.	a. p.	Rs.	a. p.
1901-02 ..	56,96,922	2 2	7,46,867	10 9	64,43,789	12 11
1902-03 ..	57,27,363	15 11	9,21,944	7 2	66,49,308	7 2
1903-04 ..	58,03,052	9 5	10,01,339	3 9	68,04,391	12 2
1904-05 ..	67,90,086	11 0	9,88,490	9 0	77,78,577	4 0
1905-06 ..	69,92,584	2 8	10,85,800	6 5	80,77,384	9 1
1906-07 ..	56,06,054	8 9	11,76,114	10 8	67,82,169	3 5
1907-08 ..	60,10,466	8 1	13,89,692	0 10	74,00,158	8 11
1908-09 ..	67,26,023	1 9	12,44,499	15 8	79,70,523	1 5
1909-10 ..	69,78,186	6 7	14,92,676	12 1	84,70,863	3 8
1910-11 ..	74,21,800	6 7	22,51,127	3 8	96,72,927	10 3
1911-12 ..	85,99,746	3 8	20,73,839	11 1	1,06,73,585	14 9
1912-13 ..	96,41,287	6 11	21,02,346	5 1	1,19,43,633	12 0
1913-14 ..	92,59,478	0 0	26,73,726	0 0	1,19,33,199	0 0
1914-15 ..	1,00,42,847	0 0	25,71,981	0 0	1,26,14,828	0 0
1915-16 ..	1,02,94,817	0 0	28,24,496	0 0	1,31,19,313	0 0
1916-17 ..	93,56,559	0 0	37,12,291	0 0	1,30,68,850	0 0
1917-18 ..	97,11,502	0 0	27,84,912	0 0	1,24,96,414	0 0
1918-19 ..	1,17,28,250	0 0	39,06,978	0 0	1,56,35,228	0 0
1919-20 ..	1,47,21,525	0 0	31,40,846	0 0	1,78,62,371	0 0
1920-21 ..	1,63,82,566	0 0	55,34,994	0 0	2,19,17,560	0 0
1921-22 ..	1,74,98,958	0 0	56,37,805	0 0	2,31,36,763	0 0
1922-23 ..	1,75,45,767	0 0	64,83,660	0 0	2,39,79,417	0 0
1923-24 ..	1,92,49,705	0 0	67,48,332	0 0	2,59,98,036	0 0
1924-25 ..	2,18,75,794	0 0	85,82,554	0 0	3,04,58,348	0 0
1925-26 ..	2,39,96,323	0 0	81,76,048	0 0	3,21,72,371	0 0

(Appendices H and I)

APPENDIX H

the total income and expenditure and total receipts and disbursements of the Bombay Municipality in 1901-02 and 1925-26.

—	—	1901-02	1925-26	Increase per cent.
		Ra.	Ra.	
1	Total income excluding items under the head "Extraordinary and Debt" (i.e., receipts from loans, deposits, etc.).	77,66,729	3,06,55,400	294·7
2	Total receipts including items under the head "Extraordinary and Debt".	3,39,86,984	24,30,16,077	615·03
3	Total expenditure excluding items under the head "Extraordinary and Debt".	87,47,828	4,64,34,864	430·8
	Total disbursements (including items under "Extraordinary and Debt").	3,43,94,672	24,39,33,067	609·2
	Incidence of income per head of population.	Ra. 12-3-2	Ra. 26-1-1	113·7
	Incidence of taxation per head of population.	Ra. 8-9-7	Ra. 23-2-10	168·8

APPENDIX I

Statement showing the income and expenditure of the Bombay Municipality under different heads in 1901-02 and 1925-26

—	Heads of income and expenditure	1901-02	1925-26	Increase per cent.
	<i>Income</i>	Ra.	Ra.	
1	Municipal rates and taxes ..	66,72,883	2,72,51,808	308·4
2	Realisations under special Acts.	1,66,137	2,17,022	30·6
3	Revenue derived from municipal property and powers apart from taxation.	8,04,231	22,65,774	181·7
4	Government grants ..	....	6,69,635	....
5	Miscellaneous ..	1,23,478	2,51,161	103·4
6	Extraordinary and Debt ..	2,62,20,255	21,23,60,677	709·9
	<i>Expenditure</i>			
1	General Administration and collection charges.	5,77,553	18,15,617	214·4
2	Public safety ..	8,65,529	14,71,265	69·9
3	Public Health and Convenience ..	41,08,634	2,02,99,141	394·6
4	Public Instruction ..	4,81,000	27,48,380	471·4
5	Miscellaneous ..	26,02,698	1,78,71,990	586·7
6	Extraordinary and Debt ..	2,54,25,279	19,74,98,203	676·7
7	Contributions to the City Improvement Trust.	Nd.	22,23,471	....

(Appendix J)

APPENDIX J

Statement showing the constitution of the Local Boards in the Bombay Presidency during the years 1889-90, 1894-95, 1907-08, 1918-19 and 1925-26

Year	Population within Local Board Area	No. of Local Boards	Number of members on the Managing Committee							
			Ex-officio	Nominated	Elected	Total	Officials	Non-officials	Europeans and Anglo-Indians	Indians
1889-90*	15,268,425	221	40	1,847	1,543	3,430	791	2,639	217	3,213
1894-95	17,405,570	224	40	1,881	1,573	3,494	780	2,714	202	3,292
1907-08	17,218,549	232	25	1,987	1,621	3,633	767	2,866	219	3,414
1918-19	16,158,433	241	571	1,182	1,733	3,486	588	2,898	105	3,361
1925-26	15,272,977	249	277	742	2,952	3,971	277	3,694	19	3,952

* This is the year in which the Local Board Administration Report was published for the first time.

(Appendix K)

APPENDIX

*Statement showing number of voters and number of Presidents
in the Bombay Presidency in the years*

Division	Number of voters	
	1919-20	1925-26
Northern Division	Number not available; voters' lists destroyed.	D. 93,267 T. 248,093
Central Division	D. No direct election T. 33,107 (records for 33 taluka local boards not available).	D. 21,645 T. 414,850
Southern Division	*D. 284 *T. 18,420	D. 81,780 T. 306,135
Bombay Suburban Division ..	D. } Not in existence T. }	D. 537 T. ..
Sind	D. No separate electorate T. 13,970 (For 20 taluka local boards. Five taluka local boards in Upper Sind Frontier District did not possess elective franchise. Figures for 33 taluka local boards not available).	D. 52,939 T. 122,386
Total ..	{ *D. 284 *T. 66,385	D. 250,168 T. 1,091,464

* Complete figures not available, records of several Taluka

D. Stands for " District

T. Stands for " Taluka

CHAP. IV—DEVELOP. AND WORKING OF REPRESENTATIVE INSTNS. 179
(Appendix K)

of District Local Boards and Taluka Local Boards
1919-20 and 1925-26

Number of Presidents

1919-20		1919-20		1925-26		1925-26	
Elected		Nominated		Elected		Nominated	
D. <i>NH</i>	..	D. 6	..	D. 6	..	D. <i>NH</i>	
T. <i>NH</i>	..	T. 42	..	T. 42	..	T. <i>NH</i>	
D. <i>NH</i>	..	D. 7	..	D. 7	..	D. <i>NH</i>	
T. <i>NH</i>	..	T. 67	..	T. 67	..	T. <i>NH</i>	
D. <i>NH</i>	..	D. 6	..	D. 3	..	D. 3	
T. <i>NH</i>	..	T. 51	..	T. 19	..	T. 33	
D. } Not in existence		D. } Not in existence		D. 1	..	D. <i>NH</i>	
T. }		T. }		T. 2	..	T. <i>NH</i>	
D. <i>NH</i>	..	D. 7	..	D. 7	..	D. <i>NH</i>	
T. <i>NH</i>	..	T. 59	..	T. 59	..	T. <i>NH</i>	
D. <i>NH</i>	..	D. 26	..	D. 24	..	D. 3	
T. <i>NH</i>	..	T. 219	..	T. 189	..	T. 33	

and District Local Boards for 1919 having been destroyed.

Local Board."

Local Board."

(Appendix L)

APPENDIX L

Statement showing the Income of District Local Boards from 1901-02 to 1925-26

Year	Income from taxation	Total income excluding items under the head "Extraordinary and Debt"	Extraordinary and Debt	Total receipts	Incidence of taxation per head of population	Incidence of income per head of population
1	2	3	4	5	6	7
		Rs.	Rs.	Rs.	Rs. a. p.	Rs. a. p.
1901-02 ..	27,04,924	44,35,341	3,502	44,38,843*	0 2 5	0 4 1
1902-03 ..	23,74,412	43,74,923	22,019	43,96,942*	0 2 2	0 4 0
1903-04 ..	29,27,456	47,99,186	971	48,00,157*	0 2 8	0 4 5
1904-05 ..	23,13,201	43,81,156	3,140	43,84,296*	0 2 2	0 3 4
1905-06 ..	25,78,914	56,77,745	7,351	56,85,096*	0 3 1	0 5 9
1906-07 ..	31,51,507	63,52,004	6,506	63,58,510*	0 2 11	0 5 10
1907-08 ..	30,46,241	68,69,148	26,907	64,06,055*	0 2 10	0 5 11
1908-09 ..	29,30,108	64,23,831	73,978	64,97,809*	0 2 9	0 6 0
1909-10 ..	32,25,718	68,30,092	48,624	68,78,716*	0 2 11	0 6 4
1910-11 ..	30,86,151	67,02,357	39,183	68,22,040*	0 2 8	0 6 2
1911-12 ..	28,37,673	68,30,759	3,46,712	71,77,471*	0 2 8	0 6 4
1912-13 ..	32,21,114	74,60,059	1,74,838	76,34,897	0 2 9	0 6 7
1913-14 ..	34,13,534	81,27,827	2,06,774	83,36,601	0 3 2	0 7 7
1914-15 ..	31,83,520	82,10,862	2,63,885	84,74,747	0 2 10	0 7 3
1915-16 ..	27,43,171	77,20,348	1,46,588	78,66,936	0 2 5	0 6 3
1916-17 ..	33,24,426	86,03,638	70,609	86,74,247	0 2 11	0 7 7
1917-18 ..	30,48,633	87,34,724	1,14,408	88,49,132	0 3 0	0 8 3
1918-19 ..	26,02,008	1,06,12,595	1,54,837	1,07,69,432	0 2 7	0 10 6
1919-20 ..	33,62,639	1,23,55,837	13,32,256	1,41,88,095	0 3 5	0 11 10
1920-21 ..	23,80,298	1,23,64,906	2,03,912	1,25,68,818	0 2 9	0 12 10
1921-22 ..	35,61,231	1,52,81,865	2,66,578	1,55,48,443	0 3 8	1 0 2
1922-23 ..	36,97,665	1,46,22,879	2,75,465	1,48,98,144	0 3 10	0 15 2
1923-24 ..	37,59,656	1,57,91,026	3,90,209	1,61,81,235	0 3 6	1 1 1½
1924-25 ..	46,74,563	1,67,81,957	3,11,822	1,70,93,779	0 4 10	1 1 6
1925-26 ..	48,84,221	1,93,69,404	10,72,872	2,04,42,270	0 5 1	1 4 4

* Includes income of taluka local boards.

(Appendix M)

APPENDIX M

Statement showing the Income of Taluka Local Boards from 1912-13 to 1925-26

Year	Amount received from District Local Boards	Land Revenue	Police	Civil Works	Receipts from other sources	Total income excluding opening balance
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1912-13	5,62,877	3,05,025	1,43,866	1,48,458	2,47,150	13,79,876*
1913-14	5,98,664	3,10,641	1,47,929	1,34,433	1,58,684	13,51,981†
1914-15	6,21,004	2,49,225	1,48,851	1,57,582	1,43,580	13,20,242
1915-16	5,01,419	2,60,659	1,79,489	1,13,970	1,37,141	11,92,678
1916-17	6,92,996	2,48,109	2,01,057	1,39,427	1,84,545	14,66,136
1917-18	6,16,992	2,68,800	2,62,690	1,17,644	1,05,942	14,27,068
1918-19	5,08,797	2,54,112	3,21,019	2,60,233	98,634	14,42,795
1919-20	5,81,854	3,17,864	2,37,076	2,16,235	1,50,824	15,03,855
1920-21	6,39,129	3,84,035	2,50,816	2,85,811	75,659	15,85,450
1921-22	6,70,383	4,33,329	1,65,861	2,23,491	90,892	15,83,956
1922-23	6,25,682	3,46,205	2,23,001	2,09,795	2,21,959	16,26,592
1923-24	4,81,403	3,24,336	2,24,295	2,66,283	2,51,241	15,47,648
1924-25	5,49,877	3,05,467	3,28,351	4,14,519	2,87,811	16,86,025
1925-26	6,50,737	2,04,335	4,47,638	3,57,681	3,68,917	20,29,308

* Rs. 27,000 transferred to District Local Boards—General.

† Rs. 1,630 transferred from District Local Boards to Taluka Local Boards.

(Appendix N)

APPENDIX N

Statement showing the names of District Local Boards which have levied enhanced rate of Local Fund Cess

Name of District Local Board	Enhanced rate	Date from which enhanced rate has been levied
District Local Board, Thana	Rs. a. p.	Revenue year.
" Hyderabad	0 2 0	1923-24.
" Belgaum	0 1 3	Do.
" Belgaum	0 2 0	Do.
" Karachi	} 0 1 3	Do.
" Larkana		
" Nawabshah		
" Upper Sind Frontier		
" Sukkur		
" Ahmednagar	0 1 3	Do.
" Ahmednagar	0 2 0	Do.
" East Khandesh	0 1 6	1924-25.
" Sholapur	0 2 0	1923-24.
" Satara	0 2 0	1st August 1924.
" Bombay Suburban District	0 2 0	1925-26.
" Thar Parkar	} 0 1 3	1923-24.
" Thar Parkar		1925-26.
" West Khandesh	0 1 3	1926-27.
" Dharwar	0 2 0	1927-28.
" Bijapur	0 2 0	Do.

(Appendix O)

APPENDIX O

Statement showing the names of District Local Boards which have levied additional taxes under Section 99 of the Bombay Local Boards Act, 1923, over and above the Local Fund Cess

Name	Nature of tax imposed			Amount realised per annum
				Ra. a. p.
<i>Sind</i>				
Hyderabad	Shop Tax			3,000 0 0
<i>Northern Division</i>				
Broach	Toll Tax on laden carts ..			3,560 12 0
				From 1st November 1924 to end of June 1925.
<i>Central Division</i> ..	<i>Ni.</i>			<i>Ni.</i>
<i>Southern Division</i>				
Ratnagiri	Tolls on 23 roads sanctioned by Commissioner on 6th July 1925.			Not known.

(Appendix P)

APPENDIX P

*ving the Income
Grants-in-aid }*

Year	Contributions from Government in lieu of one anna cess on Excise Revenue	Education	Medical	Civil Works	Miscellaneous	Total
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1912-13 ..	1,08,826	20,20,782	69,132	8,62,093	69,047	31,29,880
1913-14 ..	1,16,873	23,17,162	50,129	8,79,699	57,074	34,20,937
1914-15 ..	1,23,593	27,51,852	50,786	8,63,868	53,109	38,73,158
1915-16 ..	1,23,594	26,45,761	36,063	8,08,897	45,596	36,59,911
1916-17 ..	1,55,048	28,28,275	51,140	9,36,561	45,188	40,16,192
1917-18 ..	1,55,048	30,22,893	77,641	9,66,242	67,500	42,89,324
1918-19 ..	1,47,489	50,86,012	75,181	10,36,162	1,29,675	64,74,499
1919-20 ..	1,39,893	57,06,671	1,12,704	19,21,606	1,00,973	79,83,947
1920-21 ..	1,53,909	59,53,415	96,341	21,57,925	1,11,849	84,73,439
1921-22 ..	1,51,191	76,45,892	1,10,703	23,00,773	1,39,571	1,08,48,135
1922-23 ..	1,51,358	75,91,564	1,04,760	12,67,820	2,29,873	93,45,375
1923-24 ..	1,51,265	83,89,513	1,06,951	14,43,036	2,36,933	1,02,76,698
1924-25 ..	1,51,190	79,68,027	1,28,316	16,10,849	2,16,749	1,00,75,131
1925-26 ..	1,33,508	84,79,161	2,16,565	24,03,569	2,53,761	1,14,86,564

(Appendix Q)

APPENDIX Q

Statement showing the expenditure of District Local Boards from
1901-02 to 1925-26

Year	Administra- tion	Education	Civil Works	Medical	Miscellaneous	Total expenditure
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1901-02 ..	1,42,297*	15,10,385*	18,26,239*	3,01,627*	2,88,930*	40,69,478*
1902-03 ..	1,50,744*	16,01,300*	21,68,632*	2,85,549*	2,83,747*	44,89,972*
1903-04 ..	1,52,234*	16,03,776*	22,38,613*	2,94,947*	2,90,542*	45,80,112*
1904-05 ..	1,48,260*	16,75,619*	23,54,857*	2,55,500*	2,54,788*	46,89,024*
1905-06 ..	1,52,371*	17,98,080*	29,05,815*	2,68,973*	2,66,089*	54,11,328*
1906-07 ..	1,59,007*	19,12,808*	26,74,915*	2,94,404*	3,23,084*	53,64,218*
1907-08 ..	1,48,294*	19,99,462*	33,61,146*	3,11,060*	3,95,949*	62,16,811*
1908-09 ..	1,59,933*	21,54,902*	36,01,039*	3,27,125*	3,86,412*	66,29,411*
1909-10 ..	1,58,997*	23,76,810*	35,47,310*	3,73,547*	4,21,231*	68,77,895*
1910-11 ..	1,55,627*	25,20,043*	33,53,338*	4,32,302*	2,98,531*	67,59,841*
1911-12 ..	1,51,646*	27,35,920*	37,17,739*	4,31,273*	2,80,792*	73,17,370*
1912-13 ..	1,88,010	30,31,048	36,93,655	4,74,061	3,39,437	77,21,211
1913-14 ..	1,60,406	32,14,584	35,37,900	5,15,814	3,16,281	77,44,984
1914-15 ..	72,412	36,03,598	37,69,866	5,11,747	3,62,252	83,19,375
1915-16 ..	70,901	35,99,045	37,46,295	5,42,546	3,89,510	83,48,297
1916-17 ..	74,569	35,64,386	34,78,497	5,38,460	3,46,859	80,02,771
1917-18 ..	98,199	35,07,318	33,41,434	6,25,630	3,69,503	82,41,984
1918-19 ..	1,52,902	53,49,023	33,33,725	6,66,478	4,31,590	1,04,33,513
1919-20 ..	2,28,509	62,73,958	40,62,118	8,47,763	5,33,183	1,19,50,531
1920-21 ..	3,13,979	69,64,616	43,35,465	8,72,621	5,46,502	1,30,33,163
1921-22 ..	4,13,800	83,70,300	43,45,533	9,73,323	6,21,766	1,47,39,642
1922-23 ..	4,68,514	87,39,121	37,46,901	8,99,835	6,70,675	1,45,15,906
1923-24 ..	5,51,560	83,67,239	39,91,137	10,79,412	6,75,739	1,51,62,167
1924-25 ..	5,94,579	93,41,530	39,33,027	10,59,730	7,51,399	1,53,61,265
1925-26 ..	6,05,511	97,60,077	50,32,006	9,82,187	8,62,372	1,72,42,153

* These figures include the expenditure of Taluka Local Boards in the Presidency.

(Appendices R and S)

APPENDIX R

Statement showing expenditure of Tahuka Local Boards from
1912-13 to 1925-26

Year				Civil Works— Public Works	Expenditure under other heads	Total expenditure
				Rs.	Rs.	Rs.
1912-13	..	..	..	12,35,857	1,55,213	13,91,070
1913-14	..	..	..	11,96,911	1,31,090	13,28,001
1914-15	..	..	..	11,97,225	1,30,568	13,27,793
1915-16	..	..	..	12,37,337	1,07,877	13,45,214
1916-17	..	..	..	10,82,658	1,27,689	12,10,347
1917-18	..	..	..	11,08,816	1,63,552	12,72,368
1918-19	..	..	..	12,92,395	1,58,501	14,50,896
1919-20	..	..	..	12,40,008	2,22,203	14,62,211
1920-21	..	..	..	14,48,156	1,98,935	16,47,091
1921-22	..	..	..	13,51,491	2,54,923	16,06,414
1922-23	..	..	..	12,82,575	2,16,533	14,99,108
1923-24	..	..	..	14,26,653	2,37,977	16,64,630
1924-25	..	..	..	12,71,749	2,26,601	14,98,350
1925-26	..	..	..	15,48,145	3,51,645	18,99,790

APPENDIX S

Statement showing the constitution of Village Panchayats during the year 1925-26

Name of Division	Number of Village Pan- chayats	Popula- tion affected	Chairmen				Members			
			Elec- ted non- official	Elec- ted official	Nom- inated non- official	Nom- inated official	Ex- office	Nom- inated	Elec- ted	Total
1	2	3	4	5	6	7	8	9	10	11
Northern Division ..	56	138,059	61	5	..	..	56	..	352	408
Central Division ..	152	493,100	137	15	..	..	151	1	931	1,083
Southern Division ..	19	52,655	18	..	..	..	19	..	90	109
Bombay Suburban Division ..	..	..	Nil		..	..	..	..	..	..
Find ..	..	..	Nil		..	..	..	..	..	..
Total for the Presidency ..	227	683,814	206	20	..	..	226	1	1,373	1,600

(Appendix T)

APPENDIX T

Statement showing the income of Village Panchayats in the Central Division for the year 1923-24

District	Number of Village Panchayats	Opening balance	Receipts from house tax	Receipts from other taxes	Fines	Sale proceeds from dust, dirt, etc.
1	2	3	4	5	6	7
		Rs.	Rs.	Rs.	Rs.	Rs.
Ahmednagar	22	10,979	12,392	5,798	..	1,483
East Khandesh	29	21,565	56,746	..	..	..
West Khandesh	15	6,659	7,412	618	..	783
Nasik	9	10,581	8,300	7,486	..	..
Poona	15	5,157	15,848	4,664	17	554
Satara	33	5,178	11,285	..	142	64
Sholapur	12	3,854	8,418	3,719	..	109
Total ..	135	63,973	1,20,400	22,282	159	2,993

District	Contributions from District Local Boards	Miscellaneous receipts	Total of columns 4 to 9	Total including opening balance	Income per head of population
1	8	9	10	11	12
	Rs.	Rs.	Rs.	Rs.	Rs. a. p.
Ahmednagar	4,014	221	23,908	34,832	0 5 8
East Khandesh .. ..	....	....	56,745	76,310	0 6 10
West Khandesh	1,664	603	11,190	17,849	0 3 10
Nasik .. ..	.. ..	.. ..	15,788	26,369	0 10 1
Poona	1,005	8,186	30,374	35,451	0 9 4
Satara	695	1,070	13,356	15,424	0 2 1
Sholapur	1,730	1,056	15,084	18,288	0 4 7
Total ..	9,138	11,335	1,66,190	2,30,163	0 5 7

(Appendix U)

APPENDIX U

Statement showing expenditure of Village Panchayats in the Central Division for the year 1923-24

District	Number of Village Panchayats	General establishment	Lamp lighting	Conservancy and sanitation	Communications
1	2	3	4	5	6
	Rs.	Rs.	Rs.	Rs.	Rs.
Ahmednagar	22	12,075	1,976	1,259	3,282
East Khandesh	29	11,101	5,271	26,596	....
West Khandesh	15	5,955	1,212	266	930
Nasik	9	2,003	2,792	6,876	....
Poona	15	3,705	622	7,971	1,909
Satara	33	2,698	1,337	1,761	4,290
Sholapur	12	6,872	769	363	352
Total ..	135	44,409	13,979	47,092	10,768

District	Water supply	Miscellaneous	Total	Closing balance	Expenditure per head of population
1	7	8	9	10	11
	Rs.	Rs.	Rs.	Rs.	Rs. a. p.
Ahmednagar	488	1,353	20,433	14,449	0 4 10
East Khandesh .. ..	....	....	44,968	33,342	0 5 5
West Khandesh	106	896	9,365	8,484	0 3 2
Nasik .. .. .	....	2,336	14,007	12,362	0 9 0
Poona	708	1,819	16,734	18,697	0 5 2
Satara	1,366	1,430	12,882	5,552	0 2 0
Sholapur	3,430	3,465	15,251	3,637	0 4 0
Total ..	6,098	11,299	1,33,640	96,323	0 4 5

APPENDIX V

*Statement showing the Income and Expenditure of Notified Areas
from 1905-06 to 1925-26*

(Appendix V)

APPENDIX V

*Statement showing the Income and Expenditure of Notified Areas
from 1905-06 to 1925-26*

Year	Number of Notified Areas	Population	Income			
			From Taxes	From other sources	Total income ex- cluding balance	Extra- ordinary
1	2	3	4	5	6	7
			Rs.	Rs.	Rs.	Rs.
1905-06*	5	17,355	1,538	174	1,712	....
1906-07	7	26,614	11,049	395	11,444	301
1907-08	9	45,535	15,746	331	16,127	....
1908-09	10	43,618	22,968	747	23,715	....
1909-10	12	50,322	35,994	1,140	37,134	....
1910-11	13	58,194	30,957	1,386	32,343	....
1911-12	14	64,609	39,537	2,212	41,749	9
1912-13	14	64,609	53,879	4,671	58,550	67
1913-14	19	89,439	62,756	14,756	77,512	384
1914-15	21	1,03,211	80,940	16,906	97,846	7,607
1915-16	23	1,09,763	99,223	17,540	1,16,763	1,110
1916-17	23	1,08,533	84,605	24,459	1,09,064	5,110
1917-18	27	1,29,740	1,08,157	77,405	1,85,562	50
1918-19	28	1,32,950	1,12,268	99,091	2,11,359	23,030
1919-20	27	1,20,840	1,03,413	77,106	1,80,519	1,91,905
1920-21	26	1,22,338	1,17,503	42,619	1,60,122	32,583
1921-22	25	1,30,333	1,40,101	42,033	1,82,134	42,549
1922-23	13	65,023	1,32,067	39,515	1,71,602	32,066
1923-24	12	64,144	1,37,900	34,227	1,62,127	91,371
1924-25	13	764,147	1,47,438	68,151	2,15,619	34,363
1925-26	12	68,661	1,41,613	55,068	1,96,681	1,16,074

* Figures for previous years not available.

† This

the population of Ambernath Notified Area, which could not be ascertained.

(Appendix V)

APPENDIX V—contd.

Statement showing the Income and Expenditure of Notified Areas
from 1905-06 to 1925-26—contd.

Year	Income—contd.			Expenditure		
	Total receipts excluding opening balance	Incidence of Taxes per head of population	Incidence of income per head of population	Ordinary	Extra- ordinary	Total disbursements
	8	9	10	11	12	13
1	Rs.	Rs. a. p.	Rs. a. p.	Rs.	Rs.	Rs.
1905-06*	1,712	0 1 5	0 1 7	2,117	250	2,367
1906-07	11,745	0 6 7	0 6 10	7,379	....	7,879
1907-08	16,127	0 5 6	0 5 8	11,162	....	11,162
1908-09	23,715	0 7 7	0 7 10	18,211	....	18,211
1909-10	37,134	0 9 7	0 9 11	25,104	....	25,104
1910-11	32,343	0 8 6	0 8 10	29,355	....	29,355
1911-12	41,758	0 9 9	0 10 3	40,615	32	40,647
1912-13	58,617	0 13 4	0 14 6	55,101	6,810	61,911
1913-14	77,869	0 11 2	0 13 10	63,215	3,509	66,724
1914-15	1,05,453	0 12 6	0 13 8	87,030	1,384	88,423
1915-16	1,17,878	0 14 5	1 1 0	96,043	4,067	1,00,110
1916-17	1,14,174	0 12 5	1 0 1	99,144	4,894	1,04,038
1917-18	1,85,612	0 13 4	1 6 10	1,20,352	46,658	1,67,010
1918-19	2,34,389	0 13 5	1 9 2	1,50,521	34,740	1,85,261
1919-20	3,72,423	0 13 8	1 7 10	1,52,106	2,27,092	3,79,198
1920-21	2,42,705	0 15 4	1 4 11	1,60,521	1,11,976	2,72,497
1921-22	2,24,683	1 1 1	1 6 3	1,75,873	53,390	2,29,263
1922-23	2,03,668	2 0 6	2 10 2	1,46,408	49,005	1,95,413
1923-24	2,53,868	1 15 11	2 8 5	1,76,295	98,692	2,74,987
1924-25	2,49,987	2 4 9	3 5 9	2,32,010	15,807	2,47,817
1925-26	3,12,555	2 1 11	2 15 2	2,00,732	83,683	2,84,415

* Figures for previous years not available.

(Appendices W and X)

APPENDIX W

Statement showing the constitution of Sanitary Committees and Sanitary Boards from 1916-17 to 1925-26

Year	No. of Sanitary Committees and Sanitary Boards	Population affected	Particulars about chairmen				Particulars about members			
			Elected non-official	Elected official	Nominat-ed non-official	Nominat-ed official	Ex-officio	Nominat-ed	Elected	Total
1916-17 ..	403	1,011,333	17	3	278	102	291	2,016	43	2,350
1917-18 ..	452	1,107,085	14	3	311	118	344	2,212	87	2,643
1918-19 ..	456	1,171,880	4	3	344	117	302	2,297	106	2,705
1919-20 ..	498	1,208,011	11	4	349	133	312	2,448	117	2,877
1920-21 ..	703	1,167,884	13	13	401	132	329	2,996	310	3,635
1921-22 ..	604	1,266,656	23	13	339	87	364	2,918	351	3,633
1922-23 ..	694	701,147	20	5	421	106	283	2,768	366	3,417
1923-24 ..	495	601,706	6	..	394	89	220	2,886	78	2,684
1924-25 ..	482	754,854	12	..	392	77	204	2,321	78	2,603
1925-26 ..	506	787,854	23	1	399	83	224	2,389	138	2,751

APPENDIX X

Statement showing the percentage of Muhammadan urban and rural population in the several divisions of the Presidency and in Sind to the total population

	Total population		Muhammadans		Percent- age of column 4 to 2	Percent- age of column 5 to 3
	Town	Rural	Town	Rural		
1	2	3	4	5	6	7
Bombay Subur- ban Division..	70,377	82,463	10,673	3,759	15.1	4.5
Northern Divi- sion ..	837,590	2,881,175	183,319	166,018	21.9	5.7
Central Division.	1,123,057	4,936,057	176,156	189,264	15.7	3.8
Southern Divi- sion ..	630,331	4,375,478	120,830	334,371	19.2	7.8
Total for Presi- dency proper (excluding Bombay City).	2,294,655	12,175,173	490,978	693,412	14.9	5.6
Sind ..	546,579	2,732,796	231,438	2,174,595	42.3	79.5

APPENDIX Y

*Statement showing the Constitution of Municipalities in
certain Districts in the Bombay Presidency*

(Appendix Y)

APPENDIX

Statement showing the constitution of municipalities in

Name of the district	Year	Total number of elected non-Muhammadan members of municipalities		Total number of elected Muhammadan members of municipalities
		Advanced classes	Backward classes	
Hyderabad . . .	1908-09 ..	11	....	1
	1919-20 ..	26	....	10
	1925-26 ..	62	2	52
	1926-27 ..	62	2	52
Sukkur ..	1908-09 ..	29	....	1
	1919-20 ..	45	....	7
	1925-26 ..	71	....	41
	1926-27 ..	71	....	41
Panch Mahals ..	1908-09 ..	5	....	9
	1919-20 ..	8	....	10
	1925-26 ..	18	4	19
	1926-27 ..	18	4	19
Ahmedabad ..	1908-09 ..			Figures
	1919-20 ..			Figures
	1925-26 ..	112	2	43
	1926-27 ..	113	4	40
Bijapur ..	1908-09 ..	11	10	3
	1919-20 ..	22	19	2
	1925-26 ..	30	28	18
	1926-27 ..	30	28	18

(Appendix Y)

Y

certain districts in the Bombay Presidency

Total number of nominated members of municipalities			Total number of members	Remarks
Non-Muham- madan advanced classes	Non-Muham- madan backward classes	Muham- madans		
7	5	24	These figures relate to the Hyderabad Municipality alone as none of the other Municipalities in the district had the elective franchise prior to 1920-21.
6	....	3	45
9	11	140*	These figures relate to all the six municipalities in the Hyderabad district on which the elective franchise has since been conferred. *Including 4 officials whose nationality has not been specified.
9	....	11	140*
2	21	60†	These represent the total number of members of two municipalities only in the district. The others had no elective franchise. †Including 7 officials whose nationality has not been specified. ‡Including 3 officials whose nationality has not been specified.
4	....	19	78‡
11	12	140§	This represents the total number of members on the board of all the five municipalities in the district. §Including 5 officials whose nationality has not been specified.
11	....	12	140§
7	4	3	28	
4	3	5	30	
4	2	4	51	
4	2	4	51	
not available.				
not available.				
30	2	7	196	
30	2	7	196	
17	5	2	48	
16	3	3	66	
13	5	1	95	
13	5	1	95	

(Appendix Y)

APPENDIX

Name of the district	Year	Total number of elected non-Muhammadan members of municipalities		Total number of elected Muhammadan members of municipalities
		Advanced classes	Backward classes	
Ratnagiri	1908-09 ..	14	....	....
	1919-20 ..	22	1	1
	1925-26 ..	28	20	8
	1926-27 ..	28	20	8
Dhorwar	1908-09 ..	40	45	1
	1919-20 ..	23	52	1
	1925-26 ..	22	117	14
	1926-27 ..	22	117	14
West Khandesh ..	1908-09 ..	41	1	....
	1919-20 ..	48	8	8
	1925-26 ..	74	21	25
	1926-27 ..	77	23	20
Satara	1908-09 ..	32	28	2
	1919-20 ..	35	52	6
	1925-26 ..	16	98	13
	1926-27 ..	16	98	13
Ahmednagar	1908-09 ..	19	5	....
	1919-20 ..	20	7	6
	1925-26 ..	28	16	8
	1926-27 ..	28	16	8

CHAP. IV—DEVELOPMENT AND WORKING OF REPRESENTATIVE INSTNS. 197

(Appendix Y)

Y—contd.

Total number of nominated members of municipalities			Total number of members	Remarks
Non-Muham- madan advanced classes	Non-Muham- madan backward classes	Muham- madan		
9	2	3	28*	*Information not available in the case of two municipalities.
12	1	5	42	
9	4	1	70	
9	4	1	70	
49	35	11	181	
16	13	6	111	
15	20	....	188
15	20	....	188
23	19	84	
18	5	9	96	
19	6	5	150	
18	7	5	150	
26	16	5	109	
8	18	....	119
4	15	2	148	
4	15	2	148	
19	2	3	48	
10	3	2	48	
7	4	2	65	
7	4	2	65	

(Appendix Z)

APPENDIX

Statement showing the constitution of certain District

Name of the District * Local Board	Year	Total number of elected non-Muhammadian members of District Local Boards		Total number of elected Muham- madian members of District Local Boards
		Advanced classes	Backward classes	
Hyderabad	1919-20 ..	3	2	11
	1925-26 ..	2	3	19
	1926-27 ..	2	3	19
Sukkur	1919-20 ..	2	....	17
	1925-26 ..	5	....	19
	1926-27 ..	5	....	19
Panch Mahals ..	1919-20 ..	4	2	2
	1925-26 ..	10	3	1
	1926-27 ..	10	3	1
Ahmedabad ..	1919-20 ..			Figures
	1925-26 ..	28	....	2
	1926-27 ..	28	....	2
Bijapur	1919-20 ..	5	4	1
	1925-26 ..	3	13	2
	1926-27 ..	3	13	2
Ratnagiri	1919-20 ..	7	4	....
	1925-26 ..	16	5	2
	1926-27 ..	16	5	2
Dharwar	1919-20 ..	6	9	....
	1925-26 ..	4	16	4
	1926-27 ..	4	16	4

(Appendix Z)

Z

Local Boards in the Bombay Presidency

Total number of nominated members of District Local Boards			Total number of members	Remarks
Non-Muham- madan advanced classes	Non-Muham- madan backward classes	Muham- madans		
....	1	3	24*	*Includes 4 officials whose nationality has not been specified.
3	....	2	32†	†Includes 3 officials whose nationality has not been specified.
3	....	2	32‡	‡Includes 3 officials whose nationality has not been specified.
2	....	3	30*	*Including 6 ex-officio members whose nationality has not been specified.
2	....	2	32†	†Including 4 ex-officio members whose nationality has not been specified.
2	....	2	32‡	‡Including 4 ex-officio members whose nationality has not been specified.
....	3	1	12	
2	....	2	18	
2	....	2	18	
not available				
8	....	2	40	
7	2	1	40	
3	2	....	15	
1	2	2	23	
1	2	2	23	
1	1	1	16*	*Including 2 ex-officio members whose nationality has not been specified.
1	3	1	29†	†Including 1 ex-officio member whose nationality has not been specified.
1	3	1	29‡	‡Including 1 ex-officio member whose nationality has not been specified.
2	3	2	22	
1	5	....	30	
1	5	....	30	

(Appendix Z)

APPENDIX

Name of the District Local Board	Year	Total number of elected non-Muhammadan members of District Local Boards		Total number of elected Muhammadan members of District Local Boards
		Advanced classes	Backward classes	
West Khandesh ..	1919-20 ..	5	5	....
	1925-26 ..	9	7	2
	1926-27 ..	9	7	2
Satara ..	1919-20 ..	11	2	....
	1925-26 ..	4	21	2
	1926-27 ..	4	21	2
Ahmednagar ..	1919-20 ..	9	2	1
	1925-26 ..	11	12	2
	1926-27 ..	11	12	2

(Appendix Z)

Z—contd.

Total number of nominated members of District Local Boards			Total number of members	Remarks
Non-Muham- madan advanced classes	Non-Muham- madan backward classes	Muham- madan		
4	1	15	
3	3	....	24
3	3	....	24
1	4	18	
3	4	1	35	
3	4	1	35	
2	1	18*	*Including 3 ex-officio mem- bers whose nationality has not been specified.
2	2	....	32*
2	2	....	32*

(Appendix AA)

APPENDIX

Statement showing the constitution of Taluka Local Boards

Name of the district	Year	Total number of elected non-Muhammadan members of Taluka Local Boards		Total number of elected Muhammadan members of Taluka Local Boards
		Advanced classes	Backward classes	
Hyderabad ..	1919-20 ..	5	14	54
	1925-26 ..	4	11	69
	1926-27 ..	4	11	69
Sakkur ..	1919-20 ..	10	....	68
	1925-26 ..	22	....	58
	1926-27 ..	22	....	58
Panch Mahals ..	1919-20 ..			Figures not
	1925-26 ..	21	12	3
	1926-27 ..	21	12	3
Ahmedabad ..	1919-20 ..			Figures not
	1925-26 ..	119	1	9
	1926-27 ..	118	2	9
Bijapur ..	1919-20 ..	24	31	5
	1925-26 ..	26	69	15
	1926-27 ..	26	69	15
Ratnagiri ..	1919-20 ..	50	13	2
	1925-26 ..	70	38	11
	1926-27 ..	70	38	11
Dharwar ..	1919-20 ..	23	52	1
	1925-26 ..	22	117	14
	1926-27 ..	22	117	14

(Appendix AA)

AA

in certain districts of the Bombay Presidency

Total number of nominated members of Taluka Local Boards			Total number of members	Remarks
Non-Muham- madan advanced classes	Non-Muham- madan backward classes	Muham- madans		
7	4	11	111*	*Including 16 officials whose nationality has not been specified.
5	11	5	112†	†Including 7 officials whose nationality has not been specified.
5	11	5	112‡	‡Including 7 officials whose nationality has not been specified.
10	....	16	118*	*Including 14 ex-officio members whose nationality has not been specified.
14	....	11	112†	†Including 7 ex-officio members whose nationality has not been specified.
14	....	11	112‡	‡Including 7 ex-officio members whose nationality has not been specified.
available. 5 5	3 3	4 4	48 48	
available. 33 26	4 9	6 8	172 172	
16 5 5	8 15 15	4 4 4	88 134 134	
4	8	8	95*	*Including 10 ex-officio members whose nationality has not been specified.
1	15	2	146†	†Including 9 ex-officio members whose nationality has not been specified.
1	15	2	146‡	‡Including 9 ex-officio members whose nationality has not been specified.
16 15 15	13 20 20	6	111 188 188	

(Appendix AA)

APPENDIX

Name of the district	Year	Total number of elected non-Muhammadan members of Taluka Local Boards		Total number of elected Muhammadan members of Taluka Local Boards
		Advanced classes	Backward classes	
West Khandesh ..	1919-20 ..	28	23	2
	1925-26 ..	42	35	9
	1926-27 ..	42	35	9
Satara ..	1919-20 ..	42	41	2
	1925-26 ..	21	108	11
	1926-27 ..	21	138	11
Ahmednagar	1919-20 ..	39	28	3
	1925-26 ..	39	74	13
	1926-27 ..	39	74	13

(Appendix AA)

AA—contd.

Total number of nominated members of Taluka Local Boards			Total number of members	Remarks
Non-Muham- madan advanced classes	Non-Muham- madan backward classes	Muham- madans		
15	6	6	80	
10	15	3	114	
10	15	3	114	
1	23	1	110	
4	27	2	173	
4	27	2	173	
6	9	5	103*	*Including 13 ex-officio mem- bers whose nationality has not been specified.
12	15	3	166†	† Including 10 ex-officio members whose nationality has not been specified.
12	15	3	166‡	‡ Including 10 ex-officio members whose nationality has not been specified.

(Appendices BB and CC)

APPENDIX BB

Cases in which Government have appointed an officer to conduct enquiries under Section 128 of the Bombay Local Boards Act, 1923.

Number of cases	Particulars of cases	Government orders, etc.
	The District Local Board, Bombay Suburban Division.	Government memorandum No. 5638-G, dated the 24th August 1925.
	The District Local Board, Sholapur	Government Resolution No. 6973, dated the 9th June 1927.
	The District Local Board, Nasik	Government Resolution No. 6992, dated the 9th January 1928.
	The District Local Board, West Khandesh.	Government Resolution No. 4453, dated the 20th February 1928.

APPENDIX CC

Cases of serious mismanagement reported to Government in which final orders of Government have been issued

Number of cases	Particulars of cases	Government orders, etc.
	District Local Board, Bombay Suburban District.	Government Memorandum No. 5638-G., dated the 17th November 1927.
	District Local Board, Sholapur	Government Resolution No. 6973, dated the 22nd November 1927.

(Appendices DD and EE)

APPENDIX DD

Cases of serious mismanagement reported to Government in which final orders of Government have not yet been issued

Number of cases	Particulars of cases
6	District Local Board, Nasik. District Local Board, West Khandesh. District Local Board, Bijapur. District Local Board, Dhurwar. District Local Board, Upper Sind Frontier District Local Board, Thana (in respect of School Board).

APPENDIX EE

Cases in which and the grounds on which action has been taken under section 178 of the Bombay District Municipal Act III of 1901 and section 218 of the Bombay City Municipalities Act XVIII of 1925

Serial No.	Particulars	Government orders, etc.
1	The Ahmedabad Municipality made default in performing the duty imposed on it under the Bombay District Municipal Act, 1901, of maintaining primary schools subject to and in accordance with the rules made under section 68 of the Act.	Government Resolution No. 1547-A, dated the 7th December 1921.
2	The Nadiad Municipality was also guilty of a similar default.	Government Resolution No. 1548-A, dated the 7th December 1921.
3	The Surat Municipality also committed the same kind of default.	Government Resolution No. 1549-A, dated the 7th December 1921.
4	The Dholka Municipality was called to submit within three months proposals for putting its finances in order by means of taxation. It was informed that in the event of its failure to submit the necessary proposals within the time prescribed Government would be constrained to abolish it for good.	Government Resolution No. 2703, dated the 23rd July 1923.
5	As the Umreth Municipality failed to pay maintenance charges of a lunatic, Government directed the Commissioner, Northern Division, to fix a period for the performance of the duty imposed on it under the Act.	Government Resolution No. 5524, dated the 9th July 1924.
6	The Anand Municipality failed to pay the maintenance charges of a lunatic. The Commissioner was therefore asked to take action under section 178 of the Act.	Government Resolution No. 5385, dated the 4th November 1924. Government Resolution No. 5385, dated the 20th April 1927.
7	As the Yeola Municipality declined to pay the charges of a lunatic, the Commissioner, Central Division, was directed to take action under section 178 of the Act.	Government Resolution No. 6089, dated the 10th November 1927.

(Appendix FF)

APPENDIX FF

Cases in which mismanagement was reported

Serial No.	Particulars	Government orders, etc.
1	<p>Borsad Municipality.—The Administration of municipal affairs in this town was so very unsatisfactory that the Municipality was on the verge of bankruptcy. There were large arrears of house tax for the collection of which no efforts were made at all by the Managing Committee, who on the other hand would not pay any heed to the advice given to them by the Collector to impose a sanitary tax in order to improve their financial position. Certain grants sanctioned by the Sanitary Board specifically for the construction of latrines were utilised by the Municipality for other purposes in contravention of the condition imposed by the Board, and when asked to refund the sum, the Municipality refused to do so; the pay of the municipal staff was so heavily in arrears that some of the Municipal school teachers went on strike and the municipal schools had to be closed for nearly half a month; and to crown all, in spite of the want of funds even to pay their employees the Municipality began spending money in presenting addresses unauthorisedly to persons who had taken a prominent part in the non-co-operation movement. In April 1923 Government issued a Press Note recounting all these facts and warning the people that if by September 1923, steps were not taken by them to put the administration in proper order, Government would be forced to abolish the Municipality, but this had no effect and matters went only from bad to worse. As Government saw no use in continuing such a municipality they decided to abolish it and orders were issued accordingly. But just before the issue of the orders regarding the abolition of the municipality some of the members of its Managing Committee including the President resigned, and it was possible to have a committee who could be expected to look after the administration of the Municipality in a satisfactory manner. On the representation of the Collector and the Commissioner the orders for the abolition of the Municipality were suspended and after some time the idea was given up altogether. The Municipality is now working smoothly.</p>	<p>Government Press Note No. 3940-A, dated the 17th April 1923 and Government Resolution No. 3940, dated the 10th November 1923.</p>
2	<p>Nandgaon Municipality.—The following were the principal grounds on which Government resolved to declare the Municipality to be incompetent:—</p> <ol style="list-style-type: none"> (1) mismanagement of the elections; (2) misappropriation of funds; and (3) incompetence of general administration. 	<p>Government Resolution No. 5799, dated the 19th November 1924.</p>
3	<p>Kurla Municipality.—The following were the main grounds on which Government resolved to declare the said municipality to be incompetent:—</p> <ol style="list-style-type: none"> (1) Mismanagement of the affairs of the Municipality; (2) strong factional spirit prevailing among the municipal councillors and their attitude of extreme apathy towards all matters affecting the public welfare; (3) wrongful expenditure of its funds on the defence of private suits. 	<p>Government Resolution No. 5107, dated the 22nd December 1924.</p>
	<p>Vambori Municipality.—The degree of discord that prevailed among the members of the Board precluded the successful conduct of municipal management. The Municipality was abolished. The Municipality itself passed a resolution to that effect.</p>	<p>Government Resolutions No. 372, dated the 30th November 1926 and the 31st March 1927.</p>

(Appendices GG and HH)

APPENDIX GG

Cases in which orders of dissolution have been issued.

Serial No.	Particulars	Government Orders, etc., dissolving the municipality
1	The municipality which was dissolved was that of Kurla in the Bombay Suburban District. Here municipal affairs were grossly mismanaged,—there was a strong factious spirit prevailing among the municipal councillors who were extremely apathetic towards all matters affecting the public welfare, who allowed buildings to be constructed in utter disregard of municipal rules and by-laws, and, in receiving tenders and letting contracts, abused their powers to show undue favour to certain individuals. Government came to the conclusion that the Board as constituted at the time was incompetent to carry out properly the functions of a municipality and accordingly dissolved it with effect from the 1st February 1925.	Government Resolution No. 5107, dated the 22nd December 1924.

APPENDIX HH

Cases in which supersessions have been resorted to.

Serial No.	Particulars	Government Orders, etc., superseding the municipality
1	<i>Ahmedabad Municipality.</i> —Persistent default in the performance of an obligatory duty. The municipality among other illegalities and irregularities defied the orders of the Commissioner, Northern Division, and passed a wholly illegal resolution that the management of the schools should remain with the Schools Committee and not with the person duly appointed by the Commissioner under the Act to perform that duty. It also refused to make payment of the expenses of management incurred by the Commissioner.	Government Resolution No. 2040, dated the 6th February 1922.
2	<i>Surat Municipality.</i> —The municipality passed a hasty and unlawful resolution purporting to hand over their schools to a private body and paid to that body Rs. 40,000 from the municipal fund; it also threatened that unless the orders passed under section 178 of the Act were withdrawn, they would repudiate Government control over all municipal affairs.	Government Resolution No. 2040, dated the 6th February 1922.
3	<i>Nandgaon Municipality.</i> —This is a small municipality with a population of only 7,941 souls, and it was first established in October 1921. But before the municipality had completed its first triennium Government were forced to supersede it for a period of six months owing to— (1) mismanagement of the elections, (2) misappropriation of funds by the Secretary and some members of the Board, and (3) incompetence of the general administration. The municipality has since been restored.	Government Resolution No. 5799, dated the 19th November 1924.

(Appendices II and JJ)

APPENDIX II

Cases in which the orders of Government have not yet been issued.

Serial No.	Particulars
1	<i>Kurla Municipality.</i> —In auditing the accounts of the municipality for the year 1926-27, the Examiner, Local Fund Accounts, pointed out that there were indications of gross carelessness. The President of the municipality has desired that all the receipts and accounts should be thoroughly checked by Government auditors. The Accountant General is of opinion that the further action wanted in this case is not a detailed audit but administrative enquiry and action on it. The question is still under consideration.

APPENDIX JJ

Embezzlements and Misappropriations.

Year	Number of cases	Names of local bodies affected and remarks
1907-08 ..	10	The audit of municipal accounts led to the detection of frauds in Kaira, Malcolmpeth, Wai, Tasgaon, Guledgud, Hubli, and Dharwar. In Kaira the audit revealed an embezzlement of Rs. 3,500 for which the Municipal Secretary and the Clerk concerned were convicted and sentenced to imprisonment.
1909-09 ..	5	District Local Board, Dharwar and Gadag, Betgeri and Nasik municipalities. Criminal proceedings under section 409 of the Indian Penal Code against the former Secretary of the Nipani municipality ended in his being convicted and sentenced to nine months' rigorous imprisonment and a fine of Rs. 100.
1909-10 ..	1	Rander municipality.
1910-11 ..	2	Karwar and Panvel municipalities.
1911-12 ..	Nil	.....
1912-13 ..	1	In Ahmedabad a misappropriation of Rs. 804 from the departmental balances of rent and undischursed pay was detected and two municipal clerks were put on their trial with the result that one was sentenced to a term of 3 months' imprisonment while the other was acquitted.
1913-14 ..	Nil	.....
1914-15 ..	2	Inspections by revenue officers in East Khandesh led to the successful prosecutions of two municipal clerks in two municipalities for embezzlement.
1915-16 ..	3	No serious irregularities were disclosed except in the case of the municipalities of Saundatti-Yellamma, Karwar and Kotri. In the first case the conduct of the Municipal Secretary was enquired into. In Karwar the result of the enquiry ended in the dismissal of the Secretary and in the appointment of an employee of the Revenue Department in his place. In Kotri owing to a succession of incompetent Secretaries the accounts had fallen into chaos.
1916-17 ..	2	Karwar and Sirsi municipalities.
1917-18 ..	5	Serious irregularities were disclosed in the accounts of the municipalities of Bandra, Ahmedabad, Alibag, Tatta and Belgaum. In Bandra very widespread embezzlements of money practised by the Accountant were detected by the Chief Officer with the result that the man was prosecuted and convicted.

(Appendix JJ)

Year	Number of cases	Names of local bodies affected and remarks
1918-19	15	Cases of misappropriation of funds were found in Bhusawal, Barsi, Sirur, Jalgaon, Mehmedabad, Bandra and Kalyan; considerable confusion was disclosed in the accounts of the Kalyan municipality, which was ascribed by the President to lack of competent hands owing to low salaries and the high cost of living.
1919-20	19	Some mismanagement and fraud were detected in Sindkheda to the extent of Rs. 500. The Secretary was convicted.
1920-21	30	Cases of misappropriation were discovered in Alibag, Panvel, Kalyan, Dhulia, Modasa. The offenders in most cases were dismissed from the municipality's service; cases of defalcation in small sums were detected in some local bodies.
1921-22	16	Cases of defalcations in small sums by the tax collecting staff were discovered in some local bodies.
1922-23	38	In Navalgund, the Secretary who had defalcated municipal sums to the extent of Rs. 4,000 was prosecuted and convicted and sentenced to undergo 9 months' rigorous imprisonment and to pay a fine of Rs. 600. The Collector of Dharwar in whose district most of the defalcations occurred remarked as follows :— "These several defalcations constitute a sad commentary on the administration of the municipalities and local boards and on the capacity of some of our councillors to govern their own affairs. The conclusion that sense of responsibility is not yet properly realised is irresistible."
1923-24	40	In the Nandgaon municipality 12 cases of misappropriation and irregular procedure in accounts were detected. The unsatisfactory state of affairs was chiefly due to the inefficiency of the late President who failed to perform even his statutory duties. The municipality was declared by Government to be incompetent and was superseded for a period of six months. The other main bodies affected in this respect were the municipalities of Chopda, Parols, Gadag, Betgeri, Navalgund and Athni.
1924-25	51	In Nandgaon the audit disclosed so many cases of irregularities and defalcations that the then Secretary and the President were prosecuted by the order of the Collector. At Rander a tax collector was prosecuted for misappropriation of a sum of Rs. 2,297.
1925-26	62	The instances of misappropriations and other irregularities having increased, the Collectors were asked to advise local bodies to take criminal proceedings invariably against the persons concerned and to consider the advisability of dismissing them from service.
1926-27	27	At Chopda in the East Khandesh district, fraud was detected in the fodder accounts of the municipality and after enquiry the Chief Officer and the clerk concerned were dismissed from service. A big fraud was detected in the office of the Bombay Suburban District Local Board. An enquiry was held in the matter under section 128 of the Bombay Local Boards Act, 1923. After considering the special officer's report, Government have directed the Commissioner, Bombay Suburban Division, to ask the board to take such steps as may appear feasible for recovering the amount.

(Appendices KK and LL)

APPENDIX KK

Financial Irregularities.

Year					Number of cases
1907-08	..	..	..	..	8
1908-09	..	..	..	..	6
1909-10	..	..	..	..	15
1910-11	..	..	..	..	15
1911-12	..	..	..	..	12
1912-13	..	..	..	..	35
1913-14	..	..	..	..	28
1914-15	..	..	..	..	17
1915-16	..	..	..	..	Not reported.
1916-17	..	..	..	..	35
1917-18	..	..	..	..	Not reported.
1918-19	..	..	..	..	18
1919-20	..	..	..	..	20
1920-21	..	..	..	..	22
1921-22	..	..	..	..	52
1922-23	..	..	..	..	..
1923-24	..	..	..	..	27
1924-25	..	..	..	..	91
1925-26	..	..	..	..	33

APPENDIX LL

Cases of delay in the disposal of audit notes.

Year					Number of cases
1909-10	..	..	..	..	16
1910-11	..	..	..	..	12
1911-12	..	..	..	..	20
1912-13	..	..	..	..	14
1913-14	..	..	..	..	18
1914-15	..	..	..	..	Not known.
1915-16	..	..	..	..	"
1916-17	..	..	..	..	5
1917-18	..	..	..	..	Not known.
1918-19	..	..	..	..	"
1919-20	..	..	..	..	23
1920-21	..	..	..	..	Not reported.
1921-22	..	..	..	..	108
1922-23	..	..	..	..	121
1923-24	..	..	..	..	210
1924-25	..	..	..	..	160
1925-26	..	..	..	..	122

CHAPTER V.—COMMUNAL DISORDERS

I.—HINDU-MOSLEM TENSION

1. NATURE AND EXTENT OF TENSION

198. Bombay Presidency had generally been free from communal disturbances of any widespread nature, and, even after disturbances of a widespread nature arising out of the differences between Hindus and Muhammadans had broken out in other parts of India, this presidency had set an example of moderation. That was practically the position up to 1924. In Sind, speaking generally, there had always been a great measure of mutual tolerance between the two communities. There are numerous shrines in Sind which are venerated in common, and many Mussalman Pirs number Hindus among their followers. Disputes there, were in the main of a secular nature and rarely due to religious observances. In Gujarat, where the Muhammadans are in a minority, their relations with the Hindus had been traditionally friendly. In the Southern Division also, where the Muhammadans are in a minority, religious antagonism was almost sectional. At first the tension,—especially in Gujarat and the major part of the Southern Division—was in no way comparable with the depth and bitterness of feeling against each other which was prevalent in Upper India and in Bengal. It did not manifest itself so much in more frequent overt acts as by a greater readiness to open or re-start fresh causes of dispute and a hypersensitiveness to see offence. There was also less restraint and temperateness in each section of the Press when discussing inter-communal questions. This method of attacking and ridiculing each other's religious beliefs and practices had eventually increased to such an extent, especially in Sind and a section of the Gujarati Press in Bombay City and Ahmedabad, that Government found it necessary in October 1924 to issue a Press Note pointing out that the campaign of wild accusations, of vulgar and even obscene abuse and inflammatory attacks on the morals and religious beliefs of each, as were deliberately published by both factions, were likely to lead to outbreaks of bloodshed and murder such as had occurred in other parts of India. The public were warned that, while the Governor in Council did not wish to interfere in any way with reasoned discussion, he would be compelled if the campaign did not cease forthwith to use all the powers vested in him by law to guard the feelings and religious susceptibilities of all sections of the public of the presidency. An appeal was at the same time made to the responsible members of both communities to do their best to end the bitter controversy which might otherwise result in actions which would bring disgrace on the whole presidency. During the year 1924, ten warnings were administered to editors, printers and publishers in respect of scurrilous articles and pamphlets inciting communal hatred; 5 such warnings were administered in 1925, and 12 in 1926. The number of cases in which proceedings were instituted were, respectively, 0, 3 and 1 in 1924, 1925 and 1926. The

(Hindu-Moslem Tension)

tension markedly increased in bitterness during the last two or three years and manifested itself in the outbreak of several riots and affrays—brief accounts of which will be found in Appendix A. It chiefly centred round the question of the rights of the Hindus to play music in their processions past mosques, and most of the disorders that took place in this presidency arose out of disputes over this question. Each party maintained its own rights. The Muhammadans challenged the rights of the Hindus to take their processions *with music* past, or in some cases in the vicinity of, their mosques : in some cases the objection to music was held for all 24 hours of the day on the plea that the Muhammadans had no fixed hours of prayer. The Hindus, on the other hand, claimed the right to take their processions with music past mosques—such right being based by them on long standing usage and custom.

2. CAUSES

199. Various causes appear to have contributed to bringing about the state of ill-feeling between the two communities in this presidency. Apart from the ancient and deep-rooted causes of dissension between these two communities, the ill-feeling of recent years in this presidency may in the main be said to be in a large measure due to the strong appeal to fanaticism, in the cause of what undoubtedly practically developed into pan-Islamism with extra-territorial tendencies of the intensive Khilafat campaign of the past few years, on the one hand, and on the other the so-called non-violent non-co-operation campaign, whose object was entirely national, but whose appeal again it was attempted to base on religious grounds : and between them the spirit of indiscipline, disrespect for law and order and contempt of authority engendered among the less enlightened and ignorant masses. Tactless speeches by their leaders, *e.g.*, Mr. Muhammad Ali's at Madras on the 2nd April 1921, on the duty of Moslems in the event of an Afghan invasion, did much early in the movement to arouse Hindu suspicion and alarm, which were not allayed by the speeches made by Mr. Gandhi and Lala Lajpatrai, to cover the indiscretion, at the Allahabad District Conference early the following May and later by Mr. Gandhi's articles in his paper "Young India."

200. The culminating spark was the Moplah rebellion (1921), which was in certain quarters alleged to be due to the oppression of their Hindu landlords : the forcible conversion of Hindus by Moplahs with the resultant inauguration of the *Shuddhi* and *Sangathan* movements (1921-22) by the Hindus and their counterparts by the Muhammadans, *viz.*, the *Tabligh* and *Tanzim* organisations (1924). The object of *Sangathan* is the consolidation and defence of the Hindus, while *Tanzim* includes similar objectives on behalf of Muhammadanism. In 1923, the Hindus of the United Provinces continued to organise a "reclamation" (*Shuddhi*) movement for recalling to the folds of orthodox Hinduism certain communities who were *Mussakman* merely in name. This

THE MOPLAH
REBELLION AND THE
Shuddhi AND *Sanga-*
than MOVEMENTS:
INCIDENTS IN OTHER
PARTS OF INDIA.

(Hindu-Moslem Tension)

represented one manifestation of the Hindu Maha Sabha movement, the aim of which is to infuse fresh life into Hinduism and to organise the Hindus as a community in opposition to those who would threaten their interests, or *Sangathan*. The Maha Sabha movement has established active branches in various localities, which encourage physical culture among the Hindus, and, in general, foster the growth of a militant spirit for the progress of the community. In opposition to this manifestation, the Mussalmans have organised under the auspices of the Central Khilafat Committee the *Tanzim* and *Tabligh* movements. These aim respectively at the enlargement of the Mussalman community by conversion from other creeds and the organisation of an Islamic brotherhood to protect the interests of Mussalmans and the concentration of the efforts of the community to resist attempts at the reclamation of any members to the fold of Hinduism. These organisations whose aim in effect was the mobilisation of the two communities in preparation for future eventualities, rendered themselves the more offensive and antagonistic towards each other by the manner in which either party got up demonstrations on occasions when ceremonies were held for converting persons to their respective creeds. This was particularly the case in Sind, where, besides other causes, the tension was kept alive by speeches inciting communal animosity by agitators of both communities from Upper India, who visit Sind periodically for the purpose.

201. Reports of proselytising activities on a large scale by Hindus and Muhammadans in Upper India and by the Muhammadans in the Deccan, and the series of Hindu-Moslem riots that occurred in various parts of India also helped to intensify the tension generally in this presidency. The first riot at Sholapur, a place which holds the record in the presidency for Hindu-Moslem disturbances in the past three or four years, may directly be traced to the disturbances at Gulbarga in His Exalted Highness the Nizam's Dominions and to the wild rumours and reports of the treatment accorded to the Hindus across the border. The murder of Swami Shraddhananda, a well-known Hindu leader and a prominent Arya Samajist, by a Muhammadan named Abdul Rashid at Delhi, the acquittal by the High Court of Lahore of the accused in what is known as the "Rangila Rasool" case,—a case in which the publisher of "Rangila Rasool," a satirical pamphlet containing references to Islam and the founder of the Muhammadan religion which deeply wounded the religious feelings of the Muhammadans, was prosecuted under section 153A of the Indian Penal Code,—and the consequent publication in the Punjab of a large number of articles, pamphlets and newspapers calculated to wound the religious feelings of different classes of His Majesty's subjects, the conviction by the High Court of Lahore of the author, editor, printer and publisher of an Arya Samaj magazine of Amritsar known as the "Risala Vartaman" which published an article entitled "A Trip to Hell" which depicted the prophet Mahomed with his wives and surrounded by a host of his following as suffering in hell the tortures of the damned and the murderous attacks at Lahore about the end of 1927 on Rajpal,

INCIDENTS IN OTHER
PARTS OF INDIA.

(Hindu-Moslem Tension)

the editor of the "Rangila Rasool" pamphlet referred to above and other prominent Arya Samajists, also contributed in a large measure to intensify the tension between the two communities.

202. Something is also due to the growth of education among Muhammadans, bringing with it a fuller appreciation of their own religion and a marked tendency to eliminating from their religious and social practices those elements which they had borrowed from the Hindus among whom they live.

GROWTH OF EDUCATION
AMONG MUHAMMADANS.

203. With the growth of political consciousness among the Muhammadans and other backward classes came a realisation of their weakness through, among other causes, the disproportionate share of appointments held in the public services by the advanced classes, and the status and influence that go with them. On the strong and persistent demand of the representatives of the backward classes, Government issued general orders that a certain percentage of all future vacancies—50 per cent. in the case of Muhammadans in Sind—should be recruited from these classes. A good deal of bitterness has been occasioned in giving effect to this policy in Sind, where the Hindus had hitherto practically monopolised the public services.

DEMAND FOR A
SHARE OF APPOINTMENTS
IN THE PUBLIC SERVICES.

3. MEASURES TAKEN BY THE LEADERS OF THE COMMUNITIES THEMSELVES TO DEAL WITH THE SITUATION

204. The Special Session of the Congress at Delhi in September 1923 passed four main resolutions relating to Hindu-Muslim unity :

(i) appointing a committee for the purpose of visiting places where disturbances had occurred and investigating into their causes, with instructions to recommend measures calculated to prevent similar incidents in future ;

(ii) appointing a committee to draft a National Pact for submission to the Congress ;

(iii) instructing the Working Committee to issue a manifesto requesting all Indian newspapers to exercise great restraint in discussing matters touching inter-communal relations or in reporting incidents relating to inter-communal dissensions, and to ask them to desist from doing so if they persist and report their conduct to the Congress with a view to their boycott ;

(iv) appointing in the headquarters of every district unity committees representing the various sections for the maintenance of order and security and the settlement of disputes.

The latter part of the resolution relating to the Press and the one enjoining the formation of unity committees were never given effect to.

205. This pact did not touch some of the thorniest questions which divide the Hindus and Muhammadans, in particular the Bengal Pact. having nothing to say regarding the vexed matter of representation in regard to power and office. Subsequently,

THE BENGAL PACT.

(Hindu-Moslem Tension)

Mr. C. R. Das and certain of his friends drew up for Bengal a draft of a Hindu-Mussalman pact which attempted to lay down a definite proportional representation in all offices for the two communities. From the point of view of conciliating Muhammadan opinion in Bengal and enabling the Swarajists in that province to build up a working majority in the local Council, this agreement seems to have served its purpose for the moment. But it at once aroused a flame of opposition among Hindus of every political complexion mainly because of the clauses relating to the slaughter of cows and music before mosques.

206. Pandit Motilal Nehru moved the resolution at the Congress session at Cocanada in December 1923-January 1924 referring the National (draft) Pact and the Bengal Pact to the committee appointed at the Delhi

THE DRAFT
NATIONAL PACT.

session to obtain further opinions and criticisms and to submit a further report by the 31st March 1924. The reference to the Bengal Pact was deleted by an amendment which was carried by 678 to 453 votes. The Khilafat Conference which was also held at Cocanada, as was to be expected, accepted the fundamental principles of the Indian National Pact and the Bengal Pact, (1) representation on the basis of population, (2) protection of the rights of minorities, (3) toleration between the different communities of India, and (4) full religious and communal freedom, and resolved that Khilafat committees and other Islamic committees throughout India should give their full consideration to both these Pacts and should submit suggestions on the details of the Indian National Pact to the sub-committee appointed for the purpose who were also to report by the 31st of March 1924. The sub-committee never reported; in fact it is doubtful whether they functioned further. The probabilities are also that reliance was placed on the restraining and guiding influence of Mr. Gandhi who was released on the 5th of February 1924 to bring the communities once more together; but all his energies, as soon as he was sufficiently recovered, were taken up with the schism in the Congress which had started during his incarceration, and distracted due consideration and thought being given to any practical remedy for the Hindu-Moslem tension which steadily heightened over the major part of India as the year advanced.

207. In July 1924 some fighting broke out in Delhi which was accompanied by serious casualties and a bad outbreak at Nagpur. About the 11th August 1924, the

THE KOHAT
TRAGEDY.

Working Committee of the All-India Congress Committee at Delhi appointed Mr. Gandhi, Maulana Mahomed Ali, Pandit Malaviya, Babu Bhagwandas and Dr. Kitchlew to take up the question of Hindu-Moslem unity to the exclusion of all other problems. During the month, there were riots at Lahore, Lucknow, Moradabad, Bhagalpur and Nagpur, and a severe affray at Gulbarga in the Nizam's Dominions; while in September-October there was fighting at Lucknow, Shahjampur, Kankinarah and Allahabad, and the worst of all at Kohat on the 9th and 10th September where the casualties were about 155 killed and wounded. House

(Hindu-Moslem Tension)

property to the estimated value of Rs. 9 lakhs was destroyed and a large quantity of goods looted, resulting in the whole Hindu population evacuating the city. The Kohat tragedy directed the attention of almost every section of Indian political opinion to the serious nature of the tension existing between the two communities. It was generally recognised that something positive must be done. Hitherto while political leaders had borne their share in attempts to mediate between Hindus and Muhammadans, their efforts had been on the whole unsuccessful. They had taken refuge in a general disposition to lay the blame upon the authorities. But the Kohat affair came as a supreme shock to every shade of political opinion. While possible courses of action were being eagerly canvassed, Mr. Gandhi gave a lead to the country by announcing on the 18th September that he would begin a fast of three weeks in penance for the responsibility which he himself acknowledged for the manner in which his campaign had fomented bitter feelings, and he appealed to all the communities, including Englishmen, to meet and end the quarrel between the Hindu and Muhammadan communities. Every persuasion was used, including a letter of appeal from the Metropolitan of India, to induce Mr. Gandhi to

FIRST ALL PARTIES'
OR UNITY CON-
FERENCE, DELHI.

give up his fast, but to no avail. A conference was held at Delhi on the 26th September and was attended by Hindus, Muhammadans, Parsees, Sikhs, Christians, including a number of Englishmen among whom was the Metropolitan of India. The difficulties encountered were enormous as there was a general disposition on the part of important sections of opinion to insist upon their rights at all costs. Even among those political leaders who were pledged to promote unity between the two communities, dissensions shortly manifested themselves and only at the cost of infinite patience and labour were a series of resolutions drafted and accepted, laying down the basis upon which the problem of communal dissensions might be approached. The Unity Conference produced little practical result and the All-India Panchayat appointed by it remained still-born.

208. The following month—the 21st to 23rd November—an All Parties' Conference was held in Bombay, brought together again by another wave of emotion, general indignation at the promulgation by the Governor General of the Bengal Criminal Law Amendment Ordinance, 1924, and the action taken under it and Regulation III of 1818 in the province. The main object of the Congress was to secure unity of all communities and parties, Liberals, Non-Brahmans, Independents, Swarajists, No-Changers, etc., under the aegis of the Conference with a view to presenting a united front to Government which, so far as the first three parties went, postulated a modification of the Congress creed and programme. The net results of the meetings and conferences were:

ABORTIVE SECOND
ALL PARTIES' OR
UNITY CONFERENCE
(BOMBAY, 1924).

- (1) A strongly worded resolution condemning the Ordinance and demanding the withdrawal of the Bengal Regulation III of 1818.

(Hindu-Moslem Tension)

(2) The passing of the following resolution :

"This Conference appoints a committee to consider the best means of reuniting all the political parties in the National Congress, and to prepare a scheme of Swaraj, including the means for the solution of the Hindu-Moslem and like questions in their political aspect, and to report, not later than the 31st day of March 1926, and to convene this Conference for a day, not later than the 15th April 1926, the report of the committee being published in the Press a fortnight before the meeting of the Conference."

(3) The acceptance by the All-India Congress Committee of the Das-Nehru-Gandhi Pact.

(2) played an important part in making the disaffected sections among both Swarajist and No-Changers toe the line. The Hindu-Moslem unity was relegated to a very minor part. Item (2) was moved by Mr. Gandhi, and neither in his speech nor in the other speeches on the subject was it specifically referred to. The committee held some ineffective sittings and adjourned *sine die*.

209. The iron appears to have entered into Mr. Gandhi's soul by the failure of the committee appointed by the All Parties' Conference at Bombay to formulate any definite proposals and the realisation from the attitude of the majority of those participating, of the impossibility of an early solution of the Hindu-Muslim problem. His articles, speeches and interviews on the subject following the conference all express his pessimism, and what is more, contain a reiteration of the possibility of the problem being settled by the *lathi*, by a general stand up fight all over India, an armedgeddon, rather than settlement by Government's intervention.

210. The All-India Muslim League at its annual session at Delhi on the 31st December 1926 passed a resolution recommending a revision of the present constitution of India with a view to the realisation of full responsible government, providing necessary safeguards for the protection of the interests of the minorities. The Khilafat Conference at Larkana between the 26th and 28th February 1927 also appointed a committee to collaborate with other committees for the purpose.

At the forty-first session of the Indian National Congress, held at Gauhati—December-January, 1926-27—the following resolution was unanimously passed :

"This Congress calls upon the Working Committee to take immediate steps in consultation with Hindu and Mussalman leaders to devise measures for the removal of the present deplorable differences between Hindus and Mussalmans and submit their report to the All-India Congress Committee not later than the 31st March 1927.

"And this Congress authorises the All-India Congress Committee to issue necessary instructions in that behalf to all Congressmen in the country and to take such other step as it may deem fit after a consideration of the said report."

In pursuance of this resolution, the Working Committee at its informal meeting held in Calcutta on the 1st January resolved that the President be authorised to convene a conference of Hindu and Muhammadan members of the Indian Legislative Assembly and the Council of State in Delhi

THE MOSLEM
LEAGUE, THE CENTRAL
KHILAFAT COMMITTEE
AND THE NATIONAL
CONGRESS, EACH
APPOINT SUB-COM-
MITTEES TO EXPLORE
LINES OF SETTLEMENT.

(Hindu-Moslem Tension)

at the earliest opportunity to consider ways and means of promoting Hindu-Muslim unity. The President of the Congress, before convening such a conference, put himself in communication with leading members of the Assembly and the Council of State in Delhi as well as other important Congress leaders, including Hakimji, Maulana Mahomed Ali, Maulana Shaukat Ali and others among Muhammadans and among the Hindus. He also visited Aligarh, Muttra and other places, and acquainted himself with the views of both communities on the important questions in dispute, and, after these preliminary steps, the Working Committee resolved to convene a meeting of the All-India Congress Committee, referred to in the resolution, on the 20th of March 1927, for the purpose of considering the report that the Working Committee expected to present. It was, however, found that as the discussions with the Hindu and Muhammadan leaders continued without any definite conclusions being reached, so as to enable the Working Committee to consider the mandate and place their proposals before the All-India Congress Committee, the meeting had to be postponed until the Working Committee could do so. In the meantime, there were important informal conferences held of the Hindu members of the Congress Party in the Indian Legislature, whose conclusions were communicated to the Working Committee, in view of similar conferences held among Muhammadans and of the committee of the Muslim League.

211. On the 20th March 1927, however, certain important Muslim leaders met and after long and anxious deliberations, decided to put forward specific proposals on the Hindu-Muslim problem for the acceptance of the Hindus and of the country, and communicated their desire through Mr. Jinnah that the Congress should consider and agree to the said proposals.

The Working Committee, which met a day after these proposals were made, resolved "that the Committee cordially appreciates the decision arrived at by the Muslim Conference to accept the institution of joint electorates all over the country with reciprocal concessions in favour of minorities" and appointed a sub-committee to discuss details with representatives of the Muslim Conference and of the Hindu community. At Poona on the 3rd April the Maharashtra Provincial Congress Committee decided that it was not agreeable to the proposal of the separation of Sind from the Presidency, but at the same time it considered that there would be no objection to give Sind its proper position when the formation of provinces on a linguistic basis was being undertaken throughout India.

The All-India Hindu Sabha in a Conference at Patna on the 17th April passed a resolution declaring that the time was not yet ripe for a decision of the whole question by the All-India Congress Committee. The Sind Hindu Provincial Conference held at Sukkur on the 3rd of May under the Presidentship of Lala Lajpatrai passed a resolution against the separation of Sind from Bombay as injurious to the economic, political and educational interests of the province and especially of the

(Hindu-Moslem Tension)

Hindu community of Sind, and further declared that the Hindu community will not be bound by any decision of the All-India Congress Committee or any other body unless it was ratified by the Hindu Maha Sabha. The general meeting of the Punjab Provincial Moslem League held at Lahore on the 1st of May passed resolutions declaring the necessity for separate communal electorates under existing political conditions. Sir Muhammad Shafi, who presided, referred to the resolutions passed at Patna by the Hindu Maha Sabha and the opinions of the Hindu Press and declared that there was not a single Hindu newspaper which had accepted the proposition adopted by the Muslim leaders at Delhi. He pointed out that in spite of Mrs. Naidu's efforts to draw him out, Mahatma Gandhi had refrained from expressing any opinion on the specific proposition adopted at Delhi, indulging merely in vague general statements not calculated to give any definite lead to the Hindu public opinion and that neither Pandit Motilal Nehru nor Mr. Sen Gupta had come out with any declaration one way or the other; that until the mentality of the Hindu Maha Sabha had undergone the necessary change and that body came to realise that without Hindu-Muslim unity the attainment of Swaraj for India was an absolute impossibility, and finally that until an effective guarantee of the protection of its vital interests was forthcoming, the Muslim community would continue to insist on the retention of separate communal electorates as an integral part of the Indian constitution; that in the existing unfortunate conditions prevailing in this country, the introduction of joint electorates was certain to prove a periodically recurring cause of friction between the two great communities fatal to the cause of Indian nationalism and creative of difficult and complicated administrative problems for the Government. Similarly, the Bihar Provincial Muslim League, the Bengal Muhammadan Provincial Conference assembled at Barisal, the Muslim members of the United Provinces Legislative Council, and the Sind Muhammadan Association both at Larkana (May) and at Hyderabad (5th June) passed resolutions against joint electorates. The sub-committee appointed by the Working Committee subsequently met and had various discussions, and it was decided that the Working Committee should meet and formulate its conclusions after discussing details with representatives of both communities, and after it had received communications from several conferences on this matter.

212. The Working Committee also had the benefit of full and frank discussions with important Muhammadan leaders

THE WORKING COMMITTEE OF ALL-INDIA CONGRESS COMMITTEE'S PROPOSALS AND RESOLUTIONS AS PASSED BY THE ALL-INDIA CONGRESS COMMITTEE;

in Bombay, and opinion was generally in favour of the acceptance of the Muslim proposals. After considering all the materials placed before them and having had discussions with leading members of the Hindu and Muhammadan as well as other communities, the Working Committee resolved to make the following recommendations to

the All-India Congress Committee :—

- (i) joint electorates;

(Hindu-Moslem Tension)

- (ii) necessary safeguards so as to secure adequate representation for the minorities ;
- (iii) Reforms in the North-West Frontier Province and British Baluchistan ;
- (iv) Redistribution of the provinces on a linguistic basis, including the question of separation of Sind ;
- (v) Liberty of conscience and restrictions on legislation relating to inter-communal matters.

The All-India Congress Committee at its session at Bombay on the 15th to the 18th May 1927 approved and adopted the Working Committee's recommendations with some modifications. The Working Committee had no recommendations to make regarding cow-slaughter and music before mosques. For this reason, an amendment was moved and seconded at the All-India Congress Committee that the proposals of the Working Committee be referred back to the Committee with a request to consider music before mosques before all other questions in accordance with the Gauhati resolution enjoining on the Committee to devise, in consultation with Hindu and Muslim leaders, measures for the removal of the present deplorable differences. The amendment was, however, withdrawn on the assurance of the President that the matter had engaged the attention of the Working Committee, but as they had arrived at no definite result they had placed before them proposals on which they had come to a final decision, but that the matter had received and was receiving their earnest attention.

213. During the August (1927) session of the Imperial Legislature at Simla, the Working Committee of the All-India Khilafat Committee took the opportunity to initiate another Unity Conference which was attended by the leaders of the Congress, the Maha Sabha, the Central Khilafat Committee, and the All-India Muslim League. The Conference did not get beyond the Committee stage in its consideration of the questions of music before mosques and cow slaughter. The Sikhs for the first time were given a place on the committee—8 seats to 25 each to the Hindus and Muslims.

214. While the preliminary discussion between the leaders was taking place, His Excellency the Viceroy, in his speech on the 29th August 1927 before both Houses of the Legislature which was specially summoned for the purpose, offered, if it were represented to him by the responsible leaders of the two communities that they thought that a useful purpose might be served by his convening a conference himself with the object of frankly facing the causes of Hindu-Muslim differences and then in a spirit of determined goodwill considering whether any practical solution or mitigation of them could be found, and if these representations were made by those who occupied such a position in their communities as to permit him to assume that the communities themselves would accept and abide by any decision at which they might

THIRD ALL PARTIES'
OR UNITY CONFERENCE,
DELHI, AUGUST
1927.

VICEBOY OFFERS
PERSONAL MEDIATION
ON CERTAIN CONDI-
TIONS.

CHAPTER V—COMMUNAL DISORDERS

(Hindu-Moslem Tension)

arrive on their behalf, to ally himself with them and such other leaders of thought as might be willing to assist and gladly and cordially throw his whole energies into this honourable quest. His Excellency's offer has so far not met with any practical response.

215. The President of the Indian National Congress took advantage of a meeting to be held at Calcutta of the All-India Congress Committee towards the end of October, convened specially to consider the conduct of the Swaraj Party in the Madras Council in supporting the Madras Ministry, to issue invitations to prominent Hindu and Muslim leaders to help the Committee to take up the settlement of the Hindu-Muslim question where it had been left off at Bombay.

All opposition was brushed aside in the anxiety of the politically minded Congress and Khilafat leaders to produce a formula for the annual session at Madras in December with a view to enable the Congress to consider and carry through a formula covering both the political and religious aspects of the question and thus to present a united front in the matter of the boycott of the Statutory Commission whose constitution was already public property at the time, and carrying through a resolution for the drafting of a Constitution for India or a "Declaration of Rights" to be put forward in due course.

216. There was much opposition to the resolution passed at the Calcutta meeting during the annual Congress session at Madras and the following resolution drafted by Mr. Gandhi who was not present but to whom the matter had been referred merely enjoining tolerance on the part of both Hindus and Muslims in the matter of music before mosques, cow slaughter, and proselytism, was finally accepted and passed with the support of Pandit Malaviya :

THE NATIONAL
CONGRESS SESSION,
MADRAS, DECEMBER
1927 : OPPOSITION TO
CALCUTTA FORMULA
AND ACCEPTANCE OF
THE ONE DRAFTED BY
MR. GANDHI.

"This Congress resolves that:

1. Without prejudice to the rights that the Hindus and Mussalmans claim the one to play music and conduct processions wherever they please and the other to slaughter cows for sacrifice or food wherever they please, the Mussalmans appeal to the Mussalmans to spare Hindu feelings as much as possible in the matter of the cow and the Hindus appeal to the Hindus to spare Mussalman feelings as much as possible in the matter of music before mosques.

"And therefore this Congress calls upon both the Hindus and Mussalmans not to have recourse to violence or to law to prevent the slaughter of a cow or the playing of music before a mosque.

"2. This Congress further resolves that every individual or group is at liberty to convert or reconvert another by argument or persuasion but no individual or group shall attempt to do so, or prevent its being done, by force, fraud or other unfair means such as the offering of material inducement. Persons under 18 years of age should not be converted unless it be along with their parents or guardians. If any person under 18 years of age is found stranded without his parents or guardian by persons of another faith he should be promptly handed over to persons of his own faith. There must be no secrecy as to the person, place, time and manner about any conversion or reconversion, nor should there be any demonstration of jubilation in support of any conversion or reconversion.

(Hindu-Moslem Tension)

"Whenever any complaint is made in respect of any conversion or reconversion that it was effected in secrecy or by force, fraud or other unfair means, or whenever any person under 18 years of age is converted, the matter shall be enquired into and decided by arbitrators who shall be appointed by the Working Committee either by name or under general regulations."

The resolution covering the political aspect of the matter was merely a repetition of the resolution passed at the All-India Congress Committee meeting at Bombay, with the accent on joint electorates, with reservation of seats in any future scheme of Constitution, and a pious opinion merely that the Muslim proposal that Reforms should be introduced in Baluchistan and the North-West Frontier Province was fair and reasonable; in regard to the proposal for the separation of Sind from Bombay and its constitution into a separate province, the Congress was of opinion that the time had come for the redistribution of provinces on a linguistic basis—a principle that had been adopted in the Constitution of the Congress—and it was also of opinion that such readjustment of provinces be immediately taken in hand and that any provinces which demanded such reconstitution on linguistic basis be dealt with accordingly, a beginning being made by constituting Andhra, Utkal, Sind and Karnatak into separate provinces.

217. Meanwhile the All-India Muslim League had split over the boycott of the Statutory Commission, each section holding its own annual session, one at Lahore under Sir Muhammad Shafi, the originally elected President of the All-India Muslim League, and the other at Calcutta under Mr. M. A. Jinnah. The latter had the backing of Madras and that section of the Bengal and Bombay Muhammadans which generally identified itself with what is left of the All-India Khilafat Committee and though endorsing the Congress Resolution on the Hindu-Muslim question in its religious aspect, in its political aspect it emphasized the fact that in the present conditions prevailing, separate electorates were inevitable and that joint electorates with reservation of seats in minority provinces would only follow the introduction of Reforms in the North-West Frontier Province and Baluchistan and the separation of Sind into a province. The Lahore session of the League denounced the so-called Muslim leaders' formula at Delhi and the amended form in which it had been passed at the National Congress at Madras while recommending the extension of the Reforms into the North-West Frontier Province and British Baluchistan and the separation of Sind from Bombay.

SPLIT IN ALL-INDIA
MOSLEM LEAGUE OVER
BOYCOTT OF COM-
MISSION: SEPARATE
SESSIONS BEING HELD
AT CALCUTTA AND
LAHORE.

4. COMPLEXITY OF THE PROBLEM

218. The causes and issues involved in the problem of Hindu-Moslem troubles are of an All-India nature where settlement is complicated by the fact that it is the political factors at issue which predominate, the pivot being the anxiety of the Muhammadans to secure as hostages as many provinces in which the Hindus are in a minority for the fair and equitable treatment of Muhammadans in provinces in which they are in a

(Hindu-Moslem Tension)

minority. Hence their insistence on the constitution of Sind into a separate province, and the introduction of Reforms in the North-West Frontier Province and Baluchistan before finally accepting joint electorates. The Hindus, or that section of them for which the National Congress speaks, have countered this and made a difficult matter doubly difficult by agreeing to the separation of Sind and its constitution into a separate province as part of a general scheme of division of provinces on a linguistic basis, with the question of the constitution of the Karnatak, Utkal and Andhra into separate provinces ranking in equal urgency with that of Sind. They have thus thrown the onus and embarrassment of refusal, and with it the perpetuation of communal electorates, on the shoulders of Government. The Muslim leaders' offer at Delhi in March 1927, therefore, besides not helping to remove one of the main obstacles to Hindu-Muslim unity, has only led to an impasse which has made retreat for either side very difficult.

5. GOVERNMENT'S POLICY

219. In paragraph 198 the general warning issued by Government in 1924 against intemperate writings and speeches tending to inflame communal animosities and the action taken by Government in cases which fell within the law are referred to. The passing in September last of the new section 295-A, Indian Penal Code, has greatly strengthened Government's hands and has had the effect of putting a stop for the time being to writings and speeches of a more scurrilous nature. Wide publicity was given to His Excellency the Viceroy's speech at the Chelmsford Club on the 17th of March 1926, in which His Excellency dwelt on the grave position that had arisen in India owing to strained communal feeling and appealed to all classes to work earnestly towards creating a new atmosphere of trust and a better understanding between the Hindus and the Muhammadans. The speech was touched upon by His Excellency the Governor in his address to the Bombay Legislative Council in August 1926. His Excellency the Governor has also referred to the matter frequently in his replies to addresses on tour appealing for mutual tolerance and a spirit of give and take. In one such reply, although he indicated that only the civil courts could adjudicate upon rights, he urged the advantage of mutual adjustment of difference rather than an appeal to the courts. Government have all along adopted a neutral attitude in these disputes. While sympathising with the natural desire of each party to perform their religious obligations without interference or annoyance, Government have, where the demands of religion come in conflict with civil rights, aimed primarily at upholding the common rights of the individual, compatibly with the maintenance of law and order. With this end in view, they have carefully watched the action taken by local officers at various places in this presidency on the various occasions on which it was necessary for them to intervene in disputes between the two communities which threatened to lead to a breach of the peace. The action generally taken

CHAPTER V—COMMUNAL DISORDERS

(Hindu-Muslim Tension)

by the local officers has had the entire approval of Government. Government have found that the local officers have exercised their discretionary powers in the matter of such disputes judiciously. In almost every case where time permitted they have endeavoured in the first place to bring about an amicable settlement between the rival parties, and orders under the emergency powers vested in them have been passed only when all attempts at a compromise had failed. Generally speaking, whenever their intervention in these disputes is imperative, the local officers strive to uphold the customary and common law rights, but when the preservation of law and order—which is their primary function—demands it, these rights are temporarily suspended by orders under the emergency powers. In passing such orders, however, the officers take into consideration local custom and sentiment as also the exigencies of the situation. The local officer's chances of settling a dispute vary with the willingness of the local disputants to assist him in bringing about a compromise, and the solution of the question, therefore, lies in the exercise of mutual forbearance and toleration by the rival parties. There is in many instances a diminished readiness to be guided by the advice and assistance of local officers. Many of the existing disputes have arisen from the throwing over by one party or another of local practice, which in many cases was based on mutual agreements between them—in some cases extending over half a century back. On the other hand, noticeably in Sind, suggestions have been made from many sides for the appointment of European superior officers in districts, and in one or more instances in the Presidency Proper Government have found it necessary to appoint officers not belonging to either of the communities to investigate and try cases arising out of communal disorders.

II.—(A) BRAHMANS AND NON-BRAHMANS

220. For a proper appreciation of the relations between Brahmans

THE "TOUCH-
ABLES" AND THE
"UNTOUCHABLES." and non-Brahmans in this Presidency, it is necessary to treat separately the relations between—

(a) Brahmans and non-Brahmans as such, including in the latter category the Lingayats, the Marathas, the Jains and the "untouchables"—otherwise known as the depressed classes; and

(b) The "untouchables" or the depressed classes (such as the Chamars, the Mangs, the Mochis, the Dheds, etc.) and the touchables among whom are to be reckoned not Brahmans only but other castes also, such as the Lingayats, the Marathas, etc., who do not belong to any of the low castes and are therefore regarded as touchables.

In speaking generally of the controversy between Brahmans and non-Brahmans, it may be observed that the

THE NON-BRAHMANS
AND THE DEPRESSED
CLASSES.

non-Brahmans include in their number the depressed classes with whom they make common cause for the attainment of their object, namely, the removal of Brahman ascendancy in social and religious matters and in

(Brahmans and Non-Brahmans)

politics. The depressed classes, however, have a separate grievance against the rest of the non-Brahmans in that they are isolated as much—or even more—by the latter. It is also necessary to mention that the Lingayats (non Brahmins), generally speaking, have never acknowledged Brahmins as their priests, and have their own line of opposition to them, for instance, overcoming the objection to entry into the inner sanctuary of temples, a right which is denied them by some Brahmins. For all practical purposes, however, they have cast in their lot with the general non-Brahman movement, as it tends to weaken the power and influence of the Brahmins. For the purpose of this note it will be convenient to deal with (a) above first.

221. The Brahman *versus* non-Brahman movement may be said
THE BRAHMAN TO OWE ITS GENESIS TO THE AGELONG FEUD BETWEEN
VERSUS NON-BRAHMAN VASISTHA, THE BRAHMAN, AND VISHWAMITRA, THE
MOVEMENT. non-Brahman. Since the British occupation of the country, and with the spread of education, the movement appears to have gained ground. The growing anti-Brahman feeling in this Presidency found expression in the organisation of the Satya Shodak Samaj, i.e., Society of Truth and Purity, a society which has played a very conspicuous part as a medium for the advancement of the non-Brahman cause. This Samaj was founded by Jotirao Govindrao Fule of Poona, a Mali by caste, in 1873 with the object of emancipating the non-Brahman communities from the state of intellectual, religious and social bondage into which they had been forced by the Brahman priests, by giving instructions regarding religious rites and ceremonies to the people in order to make them independent of the Brahmins. The moving spirit of the Samaj was entirely anti-Brahmanical; its object, as the members of the Samaj themselves expressed it, was to get rid of the intermediary between God and man. The Samaj, therefore, condemned the priesthood, and the members performed their religious ceremonies without calling in a Brahman priest. From the activities of the Samaj that have come to notice from time to time, its aims and objects may be summarised as follows :—

- (1) To remove from the minds of non-Brahmins the idea of the supremacy of the Brahmins;
- (2) To prove from Hindu Scriptures the equality of mankind, and that for the worship of God man needs no mediation;
- (3) To do away with the services of Brahman priests at religious ceremonies, such offices to be performed by the non-Brahmins themselves;
- (4) To spread education among the non-Brahmins.

The chief feature of the constitution of the Samaj was the declaration to which every member had to subscribe. It was :—

“ All human beings are the children of one God. They are my brothers, and I shall always try to act upon this principle. I shall not entertain the services of any intermediary at the time of adoring, worshipping and meditating upon God and at the time

(Brahmans and Non-Brahmans)

of performing a religious ceremony, and I shall always try to induce others to follow the same practice. I shall always be loyal to the British Government. I shall not neglect to educate my boys and girls. I make this declaration in the presence of God, the Omniscient and All Truth. May He help me to make a proper use of my life by enabling me to observe this holy vow."

The activities of the Samaj were in the early years after its inception confined to lectures by its members, and to the distribution of literature among the non-Brahmans, the nature of which was in keeping with the declared aims and objects of the Samaj. Though the Samaj did make some headway and even carried on some propaganda in the Central Provinces, the campaign was then not so intensive nor was the movement so widespread as it has become in recent years. After the deaths of Fule and of some of the leaders of the movement, the work of the Samaj languished. It, however, received a fresh impetus after 1902, as a result of what was known as the Vedokta dispute in Kolhapur.

It is necessary to describe briefly the facts and issues of this dispute, owing to the repercussions from them in British districts in this Presidency and the vigorous stimulus afforded to the non-Brahman cause. The Vedokta dispute turned on the question whether His Highness the late Maharaja of Kolhapur and other Maratha families were entitled to the Vedic ritual. There is very little difference between the Vedokta and the Puranokta form of ritual. Vedic *mantras* are repeated in the former, while in the latter they are omitted and the procedure made less elaborate. The form of ceremonies in both is nearly the same. The Vedokta ritual is intended for the three higher classes, viz., the Brahmans, the Kshatriyas and the Vaisyas, and the Puranokta for the menial classes. The question whether His Highness the then Maharaja of Kolhapur as a direct descendant of Shivaji and some other Maratha families were Kshatriyas and therefore entitled to the Vedokta ritual appeared to have arisen as far back as 1863 and to have been then settled in their favour, and the ancestors of the Rajopadhya, the family priest of the late Maharaja, had till 1863 performed without demur all the Vedic rites. The right of His Highness the Maharaja to the Vedokta ritual was denied by the Brahmans including His Highness's family priest after 1900. His Highness, however, had the Vedic rituals continued, and as the Rajopadhya refused to perform these duties in the Palace he was dismissed and his Inam lands confiscated. In pursuance also of His Highness's policy of advancing the status of the backward classes, he issued an order in July 1902 that 50 per cent. of the vacancies that might arise in the State should be filled by recruitment from among the backward classes, and that in all offices in which the proportion of officers of the backward classes was less than 50 per cent., the next appointment should be given to a member of those classes.

These events, as already remarked, had their repercussions in British territory. They reinforced the non-Brahman agitation and gave renewed life to the Satya Shodak Samaj. It may, however, be stated that so far as this Presidency is concerned, the controversy between

(Brahmans and Non-Brahmans)

Brahmans and non-Brahmans is not so acute as, for instance, in Madras, where caste distinction is more rigidly observed. It is only in the Deccan, particularly in Maharashtra, and in the Karnatic districts in this Presidency that the movement has developed into a factor requiring recognition, and where disturbances of any importance have taken place as a result of ill-feeling between the two classes. The agitation later got a fillip also from the activities of the non-Brahmans in the Madras Presidency, where the campaign had been more vigorous and had gradually worked its way up to Maharashtra through the Karnatic. Endeavours were next made to co-ordinate and consolidate the position of the community and to devise ways and means for emancipating it from Brahmanical influence and for its general amelioration. Regular conferences began to be held in various districts with this end in view. The activities of the Samaj rapidly penetrated into various districts, particularly in Maharashtra and the Karnatic. Branches were formed in many of these districts and annual conferences held at these centres, at which lectures were delivered and literature distributed reiterating the aims and objects of the Samaj, and appealing to the backward classes to assert their rights and improve their status by education, etc.

The result of all this propaganda on the part of the Samajists was, as was to be expected, that the non-Brahmans became conscious of their social position, and this led to the development of ill-feeling between them and the Brahmans. This tension assumed serious proportions only in the Central and Southern Divisions of this Presidency. In some districts in these Divisions, ill-feeling led to open manifestations of violence. Though these disturbances were comparatively few, the agitation was responsible for feelings of animosity and under currents of suspicion, envy, and rivalry that existed between the two classes even in those places where open manifestations of violence did not occur. The non-Brahmans were also not slow in taking advantage of their position in districts where they had a majority on Local Boards and Municipalities and to utilize their power against the Brahmans in such matters as the appointments and transfers of teachers, etc.

In the Southern Division, the tension did not culminate in so many disturbances as in the Central Division. Except for the Vyasantol agitation by the Lingayats in the Belgaum district and the efforts of the Sonars in the Karnatic to set up their own theocratic hierarchy, the movement as a whole in the Southern Division had not the religious background given to it by the Samajists in Maharashtra—the feeling against the Brahmans being due not so much to their being members of particular castes as to the privileged position enjoyed by them in common with other advanced communities in all spheres of public activity. In the Ratnagiri district, the anti-Brahman movement is now synonymous with the anti-Khot movement—the tenants as a class being non-Brahmans.

(Brahmans and Non-Brahmans)

222. The non-Brahman movement, although it was said to be primarily a social movement directed towards the social and economic uplift of the non-Brahmans as a class, assumed a definite political character as it progressed, as is borne out by the events connected with the movement leading up to the formation of a party group in the Legislative Council which was able to secure a ministership after the 1923 elections. The political platform of the non-Brahman party has always been moderate both in views and aspirations. Their aims are directed principally towards social reform measures, centering mainly in the education of the backward communities to enable them to take a rightful place in the general life of the country. They have time and again expressed their loyalty to the British Government and have in all their endeavours borne in mind the ideal of Swaraj under the British flag, to be obtained by legal and constitutional means.

223. Except for the tension that has arisen in Poona with the approach of the Ganapati festival every year, the non-Brahman movement on the whole has not been so militant since 1923. As perhaps indicating a sense of their contentment politically, the abatement has been marked after their success in the elections to the Legislative Council of 1923 and the securing of a seat in the Ministry, the large measure of success they achieved in the elections to the local boards and municipalities and the declaration by Government of the policy of proportionate representation in office. Another cause of abatement appears to have been the unifying effect the Hindu-Moslem disturbances of recent years have had on the Hindus. The activities of the non-Brahmans now appear to be directed mainly towards the education and social and political uplift of their people and for securing for members of their party seats in the Legislative Council as well as on local boards and municipalities.

(B) THE "UNTOUCHABLES" OR THE DEPRESSED CLASSES
versus THE "TOUCHABLES"

224. The depressed classes include all Hindus who do not belong to any of the four highest or "clean" castes of Hinduism. Economically these classes are generally speaking poorly off, and the great majority of them subsist by plying trades of the lower order, such as those of sweepers, cobblers, etc. The agitation on the part of the depressed classes has hitherto not been so intensive as the main movement of the non-Brahmans against the Brahmins; nor have any disturbances of a serious nature, except one, occurred as a direct result of their campaign. They may be said to be essentially a social movement, and one of recent growth, directed towards the breaking of the fetters of "untouchability" which imposes upon them an ostracism in everything pertaining to religious and social

(The "Untouchables" or the Depressed Classes versus the "Touchables")

matters. They are treated as outcastes of society, and are generally debarred by the caste Hindus from using public watering places, wells, dharamshalas, etc.

225. On the larger issues involved in the controversy between the non-Brahmans and the Brahmans the depressed classes have thrown in their lot with the non-Brahmans and the latter have accepted the help of the depressed classes in the attainment of their common object. But on the question of untouchability those of the non-Brahmans who are not themselves untouchable hold much the same views as the Brahmans. Several causes have operated during the last few years in the direction of bringing about a marked change in the attitude and outlook of the depressed classes. The spread of education among them, largely through the efforts of Christian missionaries, has made them increasingly conscious of the inferior position in which they find themselves. The proselytizing activities of Christian and Muhammadan missionaries have enabled many of the depressed classes to raise themselves in the social scale by embracing Christianity or Muhammadanism. Many of the depressed classes have acquired wealth and position. All these causes have tended to give the depressed classes a new outlook: they are no longer content with their former position of social inferiority and have commenced to organize themselves and to assert their rights. In these efforts they have the sympathy of many progressive Hindus of the higher castes and the lead and support of the influential members of their own community.

226. In pursuance of the recommendation of the Reforms Enquiry Committee for the representation of the depressed classes in the Legislatures, Government have reserved (by nomination) two seats in the Legislative Council for the depressed classes. On the 4th August 1923, the following resolution moved by Mr. S. K. Bole, M.L.C., was passed by the Bombay Legislative Council:—

"This Council recommends that the untouchable classes be allowed to use all public watering places, wells and dharamshalas which are built and maintained out of public funds or are administered by bodies appointed by Government or created by statutes as well as public schools, courts, offices and dispensaries."

ORDERS OF GOVERNMENT ON THE RESOLUTION OF THE LEGISLATIVE COUNCIL.

227. As a result of this resolution, Government issued the following resolution on the 11th September 1923:—

"In pursuance of the foregoing Council resolution, the Government of Bombay are pleased to direct that all Heads of Offices should give effect to the resolution so far as it relates to the public places and institutions belonging to and maintained by Government. The Collectors should be requested to advise the local public bodies in their jurisdiction to consider the desirability of accepting the recommendation made in the resolution so far as it relates to them. The Chairmen, Bombay and Karacni Port Trusts, the Chairman, City of Bombay Improvement Trust, and the Municipal Commissioner for the City of Bombay should be requested to take similar steps with the consent of the Trustees and the Corporation to give effect to the resolution with regard to the places controlled by them."

(The "Untouchables" or the Depressed Classes versus the "Touchables")

228. On 6th August 1926 the Legislative Council passed another resolution recommending to Government that any discretionary grants paid to municipalities and local boards which refuse to give effect to the Council's resolution of 4th August 1923 should be reduced. The local officers were requested by Government to invite the attention of local bodies in their charges to this resolution.

229. In spite of these resolutions, however, a good number of local boards and municipalities do not appear to encourage the depressed classes in their aspirations, or if they do pass resolutions conceding to them the use of wells, etc., they are passed merely as a gesture and with no genuine desire to meet the wishes of the depressed classes. Such has been the case at Mahad in the Kolaba district, where the only disturbance of a serious nature, as a result of the agitation on the part of the depressed classes, occurred in this presidency. In pursuance of the first resolution referred to above, the Mahad Municipality had in January 1924 thrown open their tanks to the untouchables. This resolution appears to have been a mere gesture, and the untouchables had not in fact exercised their right (apparently owing to the opposition of the touchables) till the day of the riot. On the 20th March 1927, a large conference of the depressed classes under the leadership of Dr. Ambedkar, M.L.C., was held at Mahad with a view to asserting this right. A resolution was passed relating to the use of public wells and tanks and pointing out that the Mahad Municipality had in 1924 thrown open its tanks and wells to the depressed classes. Soon after the conference closed, the untouchables, led by the President of the Conference, proceeded to a tank, in the heart of the Brahman quarter, and took water. The Brahmans raised a cry that the untouchables had defiled their temple and tank, and this ultimately led to a riot, in which the untouchables were roughly handled by the touchables. About ten of them received minor injury. In the criminal prosecution that followed five touchables were convicted and sentenced to four months' rigorous imprisonment by the District Magistrate, the sentence being upheld by the Sessions Court. Elsewhere in the presidency, the depressed classes have not taken any concerted action on so large a scale as at Mahad. In July 1927, some of them aided by a Goud Saraswat Brahman tried to effect an entrance into a temple at Karwar. Timely police precautions averted a breach of the peace and eventually a compromise was reached, which permitted the depressed classes to worship the idol of Ganpati before its final immersion.

(Appendix A)

APPENDIX A

Statement of Communal Disorders.

HINDU-MOSLEM DISORDERS.

1921 to 1923.

No disorders.

1924.

(1) Date of disorder : 20th March 1924 ;

Place of disorder : Khed (Ratnagiri district).

On the evening of the 20th March 1924, i.e., on the Holi day, *tamashas* of adjoining villages had come to Khed and were, as usual, singing and dancing on the road. One such *tamasha* came to the shop of a Bania which was near a Masjid and began to sing. Two Muhammadans came there and objected to the music as it was near their mosque. The Bania replied that if the Muhammadans were to 'tip' the *tamashawallas*, they would go away. At this, both the Muhammadans dragged the Bania from his shop, and some more Muhammadans joined the quarrel and assaulted the Hindus with sticks and stones with the result that 8 Hindus (including a Police Constable, on leave), and 6 Muhammadans were slightly injured. The riot subsided after about half an hour, and was not serious.

(2) Date of disorder : 21st March 1924 ;

Place of disorder : Bagalkot (Bijapur district).

In the early hours of the morning, i.e., between 1 a.m. and 3 a.m., a riot occurred between the Hindus and the Muhammadans. The latter were chiefly responsible for the disturbance, and their object was to force the hands of the authorities to stop a Hindu *Holi* procession going past a mosque playing music. In the district it is the custom for the Hindus not to play music before old established mosques, but the mosque in question was a new one, and the object of the riot was to secure a privilege which was enjoyed by mosques of old standing. There were no casualties, but 6 Muhammadans and 14 Hindus received injuries which were not serious.

(3) Date of disorder : 27th March 1924 ;

Place of disorder : Nandurbar (West Khandesh district).

A procession of *Rang-pachami* in connection with the *Holi* festival which fell on the 25th March 1924, but which was continued at Nandurbar according to the custom to the 27th, paraded the streets of Nandurbar on the evening of the 27th. According to the usual practice, the procession was composed of two divisions. Each had to go by a different route and both had finally to meet at a gate where they had to throw colour at each other from across a bamboo barricade. One of the divisions arrived some time before the other, and, while waiting for the other to arrive, sat down and started tom-tomming. This happened unfortunately to be opposite a mosque. Some Muhammadans objected to the music and overturned the colour vessel. A fight ensued in which some people received a few injuries, but the Police and others intervened, better sense prevailed and the matter ended for a time. Some Muhammadans, however, who continued dissatisfied and had noticed colour on the walls of the mosque created trouble by meeting the procession on its return journey which lay past a Muhammadan Mohalla. There a number of Hindus and Muhammadans met, and amongst others a Pardeshi was badly handled. With the appearance of the Mamlatdar and the armed Police, the trouble ended. Beyond the souffe at the two places, nothing serious transpired. About 25 persons were injured, 2 or 3 rather seriously, but the rest only slightly.

1925.

(1) Date of disorder : 9th March 1925 ;

Place of disorder : Mandal (Ahmedabad district).

Tension was prevalent for some time between the Hindus and Muhammadans of the town. Attempts were made to effect a compromise between the two communities, but failed; and the disturbance which took place appears to have been the result of the failure

(Appendix A)

of the negotiations. It started with Muhammadan women abusing Hindu women who were drawing water from a well. A scuffle between them ensued, and this was followed by about 70 Muhammadans appearing on the scene. They assaulted the Hindus whom they met on the way and threw stones at the houses tenanted by Hindus. The Muhammadans dispersed on noticing the arrival of the Police. There were no casualties but *3 Hindus (men) were severely beaten.*

(2) Date of disorder : 12th March 1925 ;

Place of disorder : Bagalkot (Bijapur district).

This disturbance was due to Hindus playing music in procession past a Muhammadan mosque during the *Holi* festival. The mosque in question was not one of the mosques, music in front of which was prohibited. The disturbance subsided with the help of the Mamlatdar and the Police. There were no casualties, *but about 8 or 9 were injured, the latter including 6 constables, one of them having been seriously injured.*

(3) Date of disorder : 11th July 1925 ;

Place of disorder : Patri (Ahmedabad district).

A serious scuffle took place at Patri between the Ismailia Khojas on the one side and Kolis and other Hindus on the other. The Koli community suspected the Khojas of having kidnapped a young Koli boy for sacrificial purposes. They demanded an inspection of the Jamaikhana to which the Khojas agreed, provided a *panch* was constituted ; but the Kolis rushed the building, broke it open and dug up portions. They, however, found nothing. *All the same, they beat a Khoja leader.* On the next day the dead body of the boy was found in a jungle. This led to the Kolis attacking the house where certain Khojas, who had come from Ahmedabad to help in settling the affair, were putting up and *belabouring a Khoja.* Quiet was, however, quickly restored by the Police.

1926.

(1) Date of disorder : 7th February 1926 ;

Place of disorder : Madhi (Ahmednagar district).

This riot was the culmination of a dispute and consequent tension over the possession of a shrine which was claimed by both Hindus and Muhammadans and in which both the communities had in the past claimed and exercised rights and shared in the offerings made to it. The building in which the shrine was kept had three walls, but no roof. In March 1924 the Muhammadans began to roof the building with the object of converting it into a mosque, but on an application of the Hindus, an order was passed by the Sessions Judge under section 144 of the Criminal Procedure Code prohibiting the Muhammadans from proceeding with the work. The order expired on the 2nd December 1925, and at 4-30 a.m. on the 5th February 1926 the Police reported to the Mahalkari that the Muhammadans had erected a portion of the roof. This led to some Hindus of the village, variously reported in number at 30, 100 and 200, going to the building, stoning the Muhammadans who were sleeping there, throwing down the new wood-work of the roof and damaging one Muhammadan tomb. After doing this, the Hindus went away. *Six Muhammadans were slightly injured.*

(2) Date of disorder : 11th February 1926 ;

Place of disorder : Burondi (Ratnagiri district).

An objection was raised by the Muhammadans to the Hindus passing a Musjid in procession with music, though this was allowed in the two previous years, and an order was passed under section 144 of the Criminal Procedure Code stopping the playing of music while passing the mosque. The procession, however, raised cries of 'Dnyanoba Tukaram.' This incensed the Muhammadans, though the order referred to applied only to music, and led to an attack on the procession by the Muhammadans. In the scuffle *24 Hindus and 3 Muhammadans were injured, and the injury to one of the former proved fatal.*

(Appendix A)

(3) Date of disorder : 15th July 1926 ;

Place of disorder ; Karachi.

On the 15th July 1926 a Jew convert to Islam—a youth about 18 years old—while passing the house of a Hindu cast glances at the young daughter of the house. This incensed the Hindu and his brothers who beat the boy with a hunting crop and as a result there was a fight in the locality between Jarhwalis and Muhammadans. *Eleven persons were hurt and one of them (a Sikh) seriously.* When the Police arrived, the crowd was immediately dispersed.

(4) Date of disorder : 21st August 1926 ;

Place of disorder : Andersul (Nasik district).

On the day of the riot the Hindus of Andersul took out a 'pothi' procession and while playing soft music past a mosque, were stopped by certain Muhammadans who began to throw stones. The Muhammadans withdrew after the procession had passed, but certain Hindus followed them and threw stones in the mosque. *A few persons on each side were injured by stones,* and the trouble ended with the intervention of the Police.

(5) Date of disorder : 6th September 1926 ;

Place of disorder : Madhi (Ahmednagar district).

Ever since the riot at Madhi in February 1926, the relations between the Hindus and Muhammadans had been strained. Both lay claim to a shrine which the Hindus call "the temple of Kanhoba" and the Muhammadans "the Darga of Hazrat Shah Ramzan". The devasthan property is in the possession of both communities and the dispute relates not so much to the possession of the shrine as to the share each community should receive of the offerings made to it.

2. Matters were at this stage when the Hindus of the place celebrated their annual "Pola" festival on the 6th September last. The festival consists of the worship of bullocks, which are given no work on that day and are feasted and taken in procession in the evening. In former years both Hindus and Muhammadans used to take part in this procession. This year, the Hindus, after worshipping the bullocks as usual, went to the Darga of Hazrat Shah Ramzan and asked for a banner, which, from time immemorial, had been carried in front of the procession. Their request was refused by the Muhammadan "Mujawar" of the Darga, owing to the ill-feeling that had arisen. The procession therefore started without the banner, but when it was about to enter the Muhammadan quarter, the police patil, fearing trouble, ordered it back. The Hindus resented the Patil's interference and were having an altercation with him when a few Muhammadans joined in the discussion which ended in a fracas. Sticks and stones were used and *4 Muhammadans and 7 Hindus received slight injuries.*

In this dispute the *low caste Hindus*, viz., Mahars, Mangs and Dhers who used to receive a portion of the offerings to the deity from the Muhammadans, who had till then the upper hand in the management of the shrine, *joined the Muhammadans.*

1927.

(1) Date of disorder : 20th February 1927 ;

Place of disorder : Bombay.

A Multani obtained permission to take out a procession with music on the 20th February 1927. The Sikhs who observe the same worship as the Multanis were invited to join the latter and did so. The procession which was about 150 strong, including ladies, started at about 4-30 a.m. on the 20th February 1927. There was a band of about 20 players, who were Muhammadans, and a party of Sikhs or Multanis who sang religious songs to the accompaniment of a drum, cymbals and harmonium. On coming to a mosque in Chukla Street, the band stopped playing but hymns were sung to the accompaniment of the cymbals, drum and harmonium. At the mosque there was a crowd of Muhammadans, estimated at between 30 and 50, some of whom called upon the processionists to stop all music. As this request was not immediately complied with, the Muhammadans attacked the Sikhs and Multanis. The police arrived, but as it was not able to disperse the crowd the *Chief Presidency Magistrate gave the order to open fire after a previous warning given by him had had no effect.* By 1-30 a.m. quiet was restored.

(Appendix A)

Fifteen Hindus, Sikhs and Mulkians received injuries and one of them died. Two Hindus were injured by the Police while dispersing the rioters. Sixteen Muhammadans were injured, 11 of them by the Police while dispersing the rioters and one of them died of a bullet wound. Four police officers and nine men were hit with stones or bottles. The presence of ladies in the procession shows that the procession did not start with any offensive intention; nor is there any reason to believe that there was any premeditation on the part of the Mahomedans to cause disorder. One of the conditions of the license was that no music should be played in front of a place of worship without the previous consent of the persons in authority at the premises. It is true the regular band was stopped, but the playing of harmonium and the beating of cymbals constituted music and the licensee was therefore guilty of a breach of the terms of the license. It would appear, however, that, the Sikhs honestly believed that they were complying with the terms by stopping the band.

(2) Date of disorder : 14th March 1927 ;

Place of disorder : Poona.

This fracas between the Hindus and Muhammadans was the result of a Muhammadan having assaulted a Hindu boy who raised objectionable cries near a mosque at the time of prayer. *No one was seriously injured* and the trouble ended with the arrival of the Police.

(3) Date of disorder : 23rd March 1927 ;

Place of disorder : Radlapur (Thana district).

There was an agreement between the leaders of the Hindus and the Muhammadans that when a Muhammadan procession passed the 'Holi' fire the Muhammadans could indulge in religious chants but that they should not cry out 'Din,' and that the Hindus should not indulge in any of the usual 'Holi' cries. A breach of this agreement by the Muhammadans resulted in a scuffle between the Hindus and the Muhammadans, in which the former were the aggressors. The trouble ended with the intervention of the Police and with the help of the leaders of the parties. *Two Muhammadans were injured severely and about 12 Muhammadans and 10 Hindus received slight injuries. The Sub-Inspector of Police and 2 policemen were also struck by sticks and stones while trying to settle the affair.*

(4) Date of disorder : 29th March 1927 ;

Place of disorder : Larkana.

The relations between the Hindus and the Muhammadans were at the time strained, but the immediate cause of the disturbance was a dispute over the possession of a woman and three minor boys. About 14 years ago a Gujarati beggar woman, Lakshmi, her son, Bhikha, and her daughter, Santa, were decoyed to Sind and handed over to one Abdullah near Larkana. Abdullah married Lakshmi, Santa was married to a nephew of Abdullah, and a Muhammadan girl, Salihan, was married to Bhikha. Lakshmi bore three sons to Abdullah. On the 25th March 1927 Lakshmi and Bhika escaped to Larkana and filed a complaint alleging that Santa was wrongfully detained for immoral purposes. Santa confirmed the complaint and as she was about 20 years old, she was allowed to go back to her mother. Subsequently Abdullah failed in a criminal court to secure possession of Salihan and his three children through Lakshmi. This caused considerable excitement amongst the Muhammadans, and led to the riot. The people who started the riot were mostly Mussalmans from outside Larkana joined by rowdy elements from the town. The Hindus were panic-stricken, but where they caught isolated Muhammadans, they belaboured the latter mercilessly. The actual rioting lasted about half an hour. *No force was used for suppressing it, and no firing was necessary. A Sub-Inspector, however, fired one revolver shot in the air rather as a warning than otherwise. About 69 persons were injured. Of these, 58 were Hindus and 11 Muhammadans. One Hindu was seriously injured, and died on the third day of the riot. Nobody was attacked inside a house, nor was any woman molested.*

(5) Date of disorder : 16th April 1927 ;

Place of disorder : Bombay.

This disturbance was not a serious one. It was due to religious cries raised by some Hindu Ghaties who accompanied a Hindu marriage procession when the latter passed by

(Appendix A)

a mosque at a time when some Muhammadans in it were in prayer. *Three Hindus received slight injuries, and the trouble ended by the procession dispersing after the Muhammadan attack.*

(6) Date of disorder : 3rd May 1927 ;

Place of disorder : Surat.

There was ill-feeling on the part of the Muhammadans owing to the Hindus having been granted permission in March 1927 to take, in accordance with the usual custom, a Holi procession with music, and under the protection of armed police, past two mosques opposite each other on the main road in Surat. The District Magistrate, after being assured by a Hindu leader that no trouble was likely to occur, granted permission, subject to necessary police arrangements, for the Hindus to take out a procession with music on the 3rd May 1927, with the object of celebrating the tercentenary of the birth of Shrivaji. On the 2nd May, the Home Inspector of Police, who was in charge, received information that the Muhammadans were likely to oppose the procession passing the mosque with music.

When the procession, consisting of about 1,000 persons, came within a reasonably close distance of the mosques, it had to stop owing to the threatening attitude of the Muhammadans. As the Hindus refused to stop music or their attitude was interpreted to mean that, the Muhammadans got excited and thus the riot started. At one time the riot assumed a serious aspect and *it was found necessary to give order to fire after a previous warning to disperse had had no effect on the crowd. Eleven shots were fired, and three of these were fired in the air. One Muhammadan and one Hindu were killed and three Hindus wounded by the police firing. Twenty-two constables and 18 Hindus were injured in the riot.*

(7) Date of disorder : 10th July 1927 ;

Place of disorder : Faizpur (East Khandesh district).

As a Hindu procession consisting of about 1,000 persons was passing by a mosque playing music, two or three Muhammadans objected to the playing of music and this led to the Hindus assaulting the Muhammadans. *Seven Muhammadans and one Hindu were injured, and one Muhammadan succumbed to the injuries.*

(8) Date of disorder : 15th August 1927 ;

Place of disorder : Kharepatan (Ratnagiri district).

The Hindus of the locality were about to take out their "Dindi" procession when they heard some Muhammadans in the vicinity raise cries of 'Din Din.' On being questioned why they did so, they said that taking out a Dindi procession was against their religion and that they would not allow it to pass their mosque. This led to the Muhammadans stoning a house where most of the Hindus had collected, and *four Hindus received simple hurt. The trouble ended without the assistance of the Police.*

(9) Date of disorder : 27th August 1927 ;

Place of disorder : Mehmedabad (Kaira district).

A Hindu procession was passing along the main road when some Muhammadans objected to the playing of music on the ground that there was a mosque in the locality. As a matter of fact, the mosque was not on the main road and music was not objected to in previous years. The Hindus did not therefore consent to stop playing music and this led to a fracas between the two communities which ended with the help of the police and the local leaders. *About 16 persons and 1 police constable received injuries.*

(10) Date of disorder : 11th September 1927 ;

Place of disorder : Ahmedabad.

The alleged cause of the riot was the reading, accompanied by a harmonium and two drums, of extracts from the Bhagwat Gita by a Brahmin during the time that the Muhammadans held their prayers (9 o'clock). The readings took place on an

(Appendix A)

is near to both a Hindu temple and a mosque. The readings commenced on 28th August 1927 and the Brahmin on the evening of the 11th September 1927 had promised the Police to postpone his readings till after the Mussalmans had finished their prayers. On that very evening, however, the riot occurred and was ended through the intervention of the Police. *Five Hindus and six Muhammadans were injured, and one of the latter died.*

Place of disorders : Sholapur ;

Dates of disorders : 2nd August 1925.

28th October 1925.

10th July 1927.

10th to 12th September 1927.

(1) *2nd August 1925.*—The real cause of the fracas between the Hindus and the Muhammadans was the strained feeling which existed between the two communities. The Muhammadan "Sandal" procession was passing a Lingayat temple where a large number of Lingayats had assembled for a Kirtan. As the procession was passing the temple, shouts were raised by both the parties. From shouting they proceeded to stone-throwing and then to beating. The disturbance ended within fifteen minutes before the arrival of the police. *About ten Hindus and ten Muhammadans were injured, and the injury to one of them was serious.*

(2) *28th October 1925.*—This disturbance arose as the Rath procession of the Hindus was passing a Musjid as usual on the Kartiki Ekadashi day. The Muhammadans had previously agreed, in a conference with the Police who had apprehended trouble, to the procession passing by the Musjid with soft music. They did not, however, keep their promise and, as the procession was passing the Musjid, the Muhammadans started trouble by throwing stones, etc. A scuffle ensued and the crowd got out of control. *No order to fire was given, but a sepoy who appears to have got out of restraint fired, and his neighbour, assuming that firing had been ordered, also fired a few shots. Seventy-three Hindus, ten Muhammadans and four constables were injured. As a result of the Police firing, 2 Muhammadans were killed and three Muhammadans and two Hindus injured, the injury to one of the Hindus having been serious.*

(3) *10th July 1927.*—The Rath procession of the Hindus was being taken along the usual route. As the head of the procession had just passed a temple, a Moslem procession of Mohurram performers with 30 followers emerged from a side street, and burst through the police cordon on to the head of the Rath procession, and attacked it. The Hindus retaliated. The trouble ended with the help of the Police. *About 9 Hindus and 34 Muhammadans were injured.*

(4) *10th to 12th September 1927.*—As a result of the disturbance on the 10th July 1927, the relations between the Hindu and Muhammadan communities continued strained. Orders were therefore passed prohibiting Hindu and Muhammadan processions on the 10th. The order was, however, withdrawn on a representation from the Hindus and such conditions were imposed on the taking of the processions as were calculated to ensure that the processions would pass off smoothly. When, however, the Ganapati procession was passing the point where the Muhammadans were assembling for their procession, some stones were thrown at the procession by the Muhammadans. This infuriated the Hindus who retaliated by stoning a mosque and a Muhammadan tea-shop. Rioting ensued. On the 11th a squabble broke out between Hindu and Muhammadan women over the price to be paid for vegetables. This led to the males of the two communities rushing to the scene and starting a fight. After this, sporadic fighting continued all day on the 12th. The disturbance ended with the help of the Police and of a detachment of the G. I. P. Railway Auxiliary Force. *No order to fire was given, but one police constable fired in the air without orders. Also, one Hindu fired four rounds of buckshot from a 12 bore gun into the crowd. His cartridges were fortunately defective and the wounds caused thereby were all skin deep only. Two other Hindus also fired guns apparently charged with blank ammunition. Forty-one Muhammadans and 21 Hindus (one a woman) were injured : two Muhammadans and three Hindus were killed.*

CHAPTER VI.—INDIANISATION OF SERVICES

230. The Civil Services in India came under detailed review by the Islington Commission which assembled in 1912 and signed its report on 14th August 1915. It was not the task of this Commission to alter the structure of administration. Its labours were directed merely to making suitable adaptations in the composition of the services and their organisation. In addition to many other recommendations made the Commission devoted itself to exploring the possibility of wider employment of Indians in the superior services. But when the report was signed, the war was in progress and Government were fully occupied. The consideration of the proposals of this Commission was therefore deferred. Before the report could be taken into serious consideration, the announcement of the Secretary of State in 1917 in respect of increased association of Indians in every branch of the administration changed the constitutional outlook entirely. Subsequently, this declared policy was placed in the forefront in the preamble of the Government of India Act, 1919. The orders in respect of Indianisation were passed in 1919 and 1920 on the recommendations of the Islington Commission and in the light of those contained in the Report on Indian Constitutional Reforms. They were as follows :—

Indian Civil Service	.. 37½ per cent. rising by 1½ per cent. annually to 48 per cent.
Indian Police Service	.. 33 per cent.
Indian Forest Service	.. 40 per cent. direct recruits and 12½ per cent. promoted officers.
Indian Agricultural Service	50 per cent. as qualified candidates became available. No definite scale of annual recruitment was laid down.
Indian Veterinary Service	
Indian Educational Service	50 per cent. as a general rule excluding promoted men.
Indian Service of Engineers	60 per cent.
Indian Medical Service	33 per cent.

231. The inception of the new policy did not satisfy political demands, and the attitude of political parties to the services did not improve. To Indian political circles, the new system seemed incomplete and slow in operation. In the minds of the services the uncertainty of the political future of India combined with attacks upon them in the press and on the platform and their steadily deteriorating financial condition produced feelings of anxiety and discontent. Recruitment

THE CIVIL SERVICES IN INDIA.
THE MACDONNELL COMMITTEE.

began to suffer, and in 1922 Government had to take action. A committee (the MacDonnell Committee) was appointed to inquire into the impediments to recruitment. They reported on 21st June 1922. The majority of the members admitted that their recommendations were merely palliatives and suggested that the time had come for considering the organisation of the services on broader lines. While the Secretary of State was considering the problem arising out of the decline in European recruitment, the Government of India were incessantly pressing for more Indianisation. The Government of India addressed the local Governments on this matter in the "O'Donnell Circular". Thus within four years from the passing of the Government of India Act the whole question of the services had to be reconsidered. The problems were only stated, they were not solved by the MacDonnell Committee and the O'Donnell Circular and it was the need for a fresh, full and impartial inquiry into the question that led to the appointment of the Lee Commission.

232. The Lee Commission recommended that in the case of the services operating in the reserved fields, viz., the Indian Civil Service, the Indian Police Service and the Irrigation Branch of the Indian Service of Engineers (these three only pertain to the Bombay Presidency) the appointments and control should continue to vest in the Secretary of State. This recommendation and the recommendations referred to in the following three paragraphs have been accepted and given effect to.

233. The Lee Commission recommended a cadre of 50—50 to be reached in 15 years by which time, i.e., in 1939, they anticipated that the whole situation will have come under review by the second Statutory Commission. The rate of recruitment suggested by the Commission was 40 per cent. Europeans, 40 per cent. Indians and 20 per cent. promoted Indians.

The ratio of 50—50 per cent. is to be reached in 1939. Direct recruitment at present is half to half and the programme of listed posts is framed in a manner which contemplates that the full quota of 20 per cent. posts will be reached in 1939 or 1940. The existing number of superior listed posts is 10, and 18 posts in all are to be listed. The Indian Civil Service cadre on the Civil List of October 1927 consists of 107 Europeans and 28 Indians exclusive of 10 Indians holding superior listed posts. From the statement attached (*vide* Appendix A) it will be seen that between 1921 and 1928 the number of European members in the service has decreased from 149 to 108, while that of Indian members of the service and of Indians holding listed posts has risen from 22 to 49. The percentage of Indians occupying posts normally held by members of the Indian Civil Service has, as is shown in the statement, risen from 13 to 31.

234. The Lee Commission recommended that for every 100 recruits 50 should be Europeans, 30 should be Indians directly recruited and the remaining 20 should be recruited by promotion from the provincial service.

They anticipated that a cadre of 50—50 would be reached in about 25 years. The present rate of recruitment (direct) is 50 : 30. The statement appended (*vide* Appendix B) shows that between 1921 and 1928 the number of Europeans in the Police Service fell from 74 to 68, and that of Indians rose from 3 to 8 representing an increase in percentage from 4 to 11 of the total strength of the cadre.

THE INDIAN SERVICE OF ENGINEERS. 235. The Lee Commission recommended as follows :—

(1) where the Roads and Buildings Branch is separate from the Irrigation Branch, recruitment to the former should be conducted on a provincial basis. In the Irrigation Branch recruitment should be in the ratio of 40 per cent. Europeans, 40 per cent. Indians and 20 per cent. promoted from the provincial service ;

(2) where the two branches are still combined no change should be made in the existing recruitment, that is to say, 50 per cent. to be recruited in England and 50 per cent. in India. Of the 50 per cent. recruited in England 10 per cent. should be Indians.

The separation of the two branches so far as Bombay is concerned has not yet been effected, but the question is under consideration. Meanwhile the figures of recruitment are calculated as if separation had taken place. The statement (*vide* Appendix C) relating to the Indian Service of Engineers shows a fall in the number of Europeans between 1921 and 1928 from 65 to 56. The number of Indians in the service remains stationary at 40, but it is to be remembered that for the Roads and Buildings branch of the service recruiting is now on a provincial basis.

236. In the case of the All-India Services in the transferred fields, viz., the Indian Educational, Forest (in Bombay), Agricultural, Veterinary Services and the Roads and Buildings Branch of the Indian Service of Engineers the Lee Commission recommended that no further recruitment should take place on an all-India basis and that the personnel required for them should in future be recruited and appointed by local Governments. They however recommended that no change should be made in the position of the existing members of these services in the transferred field ; that they should retain all the rights of officers of an All-India Service and should receive all the concessions which might be sanctioned for corresponding All-India Services in the reserved field. The recommendations of the Lee Commission have been accepted, and further recruitment to these services in the transferred field on an all-India basis has been stopped, while the control of the existing members of the All-India Services in these services remains with the Secretary of State and they retain all the rights and privileges of All-India Services officers. Provincial Governments have been empowered to frame rules for the recruitment of officers who will take the place of the existing All-India Service officers in these services when the latter vacate.

237. Statements showing the progress of Indianisation in these services from 1921 to 1928 are appended (*vide* Appendices D, E, F and G). The progress in Indianisation in the Educational and Agricultural Services has been rapid and the percentage of Indians now (1928) in posts which would formerly have been filled by members of these services is now 60 and 71 against 20 and 37½ in 1921.

238. The conditions of service in the case of officers of the All-India Services are prescribed by the Secretary of State. Any post ordinarily held by a member of an all-India service has to be reported to the Secretary of State if it is held in abeyance or kept vacant for a period of more than three months. In the case of existing members of All-India Services the duties of which have been provincialised, the Secretary of State has in Rule XII-A (2) of the Classification Rules directed that the local Government, or in the case of a subordinate service, any authority empowered by the local Government in this behalf, may fix the cadre of a provincial or a subordinate service and increase or reduce the number of posts in such cadre provided that such increase or reduction if it would adversely affect any person who was a member of the corresponding All-India Service on 9th March 1926 shall not be made without the previous sanction of the Secretary of State in Council. In November 1926 the Secretary of State ruled that no reduction in the number or alteration in the character of the posts at present borne on the cadre of the All-India Services can be made without the sanction of the Secretary of State and that he would be prepared to give such sanction only if satisfied that its effect would be to leave the remaining members of the All-India Services affected in no worse position as regards prospects than they would have been if recruitment for the service had not ceased. The Secretary of State has also ruled that no reduction in the number of selection grade posts should be made until the number of members of the services concerned is less than the number of such posts. New draft Civil Services (Classification, Control and Appeal) Rules are at present under the consideration of the Government of India and the Secretary of State, which, when issued, would supersede the existing Classification and Delegation Rules. Provision is made in the draft rules for the protection of the existing members of the All-India Services to which recruitment has now been stopped.

239. Two main reasons exist for the reservation of posts for the Indian Medical Service, *viz.*, (1) to serve as a reserve for the Army in time of war and (2) to provide medical attendance of European doctors on Europeans in the services. Before 1923 the number of such officers in this Presidency was fixed at 61. Since then it has been reduced to 43 (34 appointments plus 9 as leave reserve) and this is the present sanctioned Indian Medical Service cadre. A proposal to reduce this number further to 29 (23 posts plus 6 as leave reserve) is under consideration. In fixing this number, the requirements of the Army and the obligation resting on the Secretary of State, as laid down by the Royal Commission on the Superior Civil

Services, to ensure adequate medical attendance on British members of the services and their families by men of their own race have been taken into account, the latter consideration being provided for by the reservation of certain posts for European officers of the Indian Medical Service. The final orders of the Secretary of State on this proposed reduction of the cadre and the reservation of posts for European officers are awaited, but provisional effect is being given to the proposals as vacancies occur. The present members on the Indian Medical Service roll have existing and accruing rights to the 34 posts reserved under the regulations framed under Rule 12 of the Devolution Rules. When the Secretary of State's orders regarding the further reduction to 23 posts are received, these 23 posts will be first filled and then the surplus of officers will be provided for in the other posts till the last surplus officer is absorbed in the reduced cadre. In this Presidency, at present there are 17 European officers against 15 reserved posts *plus* 4 leave reserve for them, *i.e.*, the number of European officers is actually short even of the proposed reduced strength. The Indian officers' number is 11 against 8 posts and 2 reserve.

240. The question of the reservation of any posts in this service for Europeans has not been decided. It seems probable that a few posts such as senior professorships of English and inspectorship of European schools will be reserved for Europeans, and that such officers will have to be recruited on special terms.

SPECIAL POSTS. 241. *Public Works Department (Specialist Officers).*

Europeans	Indians	Percentage of Indians
14	3	17 6

The percentage of Indians in the special posts is low. Most of the posts are of a highly specialised and technical nature and require both a sound theoretical knowledge and an up-to-date experience of the professional practice of the particular line in England or other Western countries. Under the reformed constitution, however, these specialist services have been ordered to be recruited on a provincial basis in India, as Indians have now begun to take overseas training in large numbers and Indian candidates will have greater chances of appointment to these posts as men possessing the requisite qualifications increase in numbers.

Revenue Department

Europeans	Indians	Percentage of Indians
4	4	50

The officers concerned are the Manager, Government Photozinc Press; Assistant Manager, Government Photozinc Press; Registrar of Companies; Superintendent, Bombay City Survey and Land Records; Agricultural Engineer to Government; Excise Analyst, Nasik Distillery; Chief Engineer, Nasik Distillery; and Deputy Superintendent, Bombay City and Harbour Veterinary Department. Of these, the first four are non-Indians. Steps have been taken to fill the posts of Manager and Assistant Manager by Indians in future and one Indian has already been deputed for training in England. It is believed that there will be no difficulty in recruiting a suitable Indian for the post of Registrar of Companies, but the post of Agricultural Engineer to Government requires special qualifications which are difficult to obtain.

Home Department

Europeans	Indians	Percentage of Indians
5	2	33

The following special posts are at present held by Europeans :—

- (1) The Administrator General and Official Trustee.
- (2) The Editor of Law Reports.
- (3) The Police Surgeon.
- (4) The Director of Information.
- (5) The City Magistrate, Karachi.

The Coroner and the Deputy Coroner of Bombay are Indians. None of these posts has been reserved either by law or executive order for Europeans and they are open to Indians and Europeans alike.

General Department (Stationery and Printing)

Europeans	Indians	Percentage of Indians
4	4	50

Remarks.—The officers are :—

- (i) Superintendent, Government Printing and Stationery.
 - (ii) Manager, Government Central Press.
 - (iii) Manager, Yeravda Prison Press.
 - (iv) Manager, Commissioner's Press, Karachi.
 - (v) First Assistant Manager, Government Central Press.
 - (vi) Second Assistant Manager, Government Central Press.
 - (vii) Assistant Manager, Yeravda Prison Press.
 - (viii) Assistant Manager, Commissioner's Press, Karachi.
- Of these Nos. (i), (ii), (iii) and (vi) are held by non-Indians.

In 1925 the Government of Bombay sanctioned a scheme for the complete Indianisation of the Printing and Stationery Department, and they have recently laid down certain rules governing the grant of state-scholarships to Indians for training in the United Kingdom and in India in the printing profession.

Medical Department

There are 17 special posts, excluding that of Police Surgeon, Bombay, in the Medical Department. All these posts except that of the Officer in charge of the Pharmacological Unit, Haffkine Institute, are held by Indians.

(Appendix G)

APPENDIX G

Indian Veterinary Service

Year		Europeans	Indians	Percentage of Indians
1		2	3	4
January Civil List	1921	4	Nil	....
Do.	1922	4	"	....
Do.	1923	4	"	....
Do.	1924	4	"	....
Do.	1925	4	"	....
Do.	1926	4	"	....
Do.	1927	3	"	....
Do.	1928	3	"	....

CHAPTER VII.—THE EXECUTIVE AND ADMINISTRATION

242. This chapter gives a detailed account of the working of the system in the various departments with special reference to the more important features of administration.

INTRODUCTORY
REMARKS.

For this purpose only such subjects have been discussed as have a constitutional bearing. For convenience of discussion, the account has been divided into three sections; the first section (A) deals with the administration of subjects which are both reserved and transferred, the second section (B) with subjects which are reserved, and the third section (C) with transferred subjects.

(A) *Reserved and Transferred Departments*

243. The detailed account of the working of those subjects in which both the reserved and the transferred sides of Government were equally concerned shows that there was from the beginning a genuine desire on the part of both to work the system in a spirit of co-operation and mutual give and take. This has been particularly noticeable in the matter of finance in which, owing to the financial stringency, both sides of Government had serious difficulties to face. At no time have any deadlocks occurred on account of any action taken either by the Governor or by the Ministers or the Legislative Council. The law gives the Secretary of State unlimited control over the reserved departments and certain restricted control over the transferred ones. These powers of interference have been exercised very rarely in the reserved departments and only once in the transferred departments. Although the Legislative Council has freely criticised the actions of Government, and often threatened to refuse supplies, it has on the whole, worked in a spirit of co-operation and reasonableness and has never as a body attempted to wreck the constitution. The Governor has never exercised, or had occasion to exercise his powers of removing a Minister, or of assuming control of the administration of transferred departments, of exercising his emergency powers against the will of his executive council, of dissolving the Legislative Council before the expiry of its term of office, or of certifying bills or grants rejected or refused by it. All important matters have been discussed at meetings in which members of both halves of Government took part. There has been no occasion for the Governor to overrule his Ministers, though the fact that he possesses certain powers of control has probably had a restraining influence and contributed in no small measure to the smooth working of the administration. The revenues of the Province were allocated between the reserved and transferred departments in a spirit of mutual give and take. The Governor has never been required to exercise his powers of arbitration under Devolution Rule 82.

WORKING OF THE
RESERVED AND
TRANSFERRED
DEPARTMENTS GEN-
ERALLY.

*(Reserved and Transferred Departments)**Control of the Government of India over the Local Government*

244. The Joint Report contemplated that the Government of India must remain wholly responsible to Parliament, and saving such responsibility its authority in essential matters must remain undisputed. In proportion as the legislatures in India became more representative and exercised increasing influence upon the executive, the control of Parliament and the Secretary of State over the Government of India and the provincial Governments was to be relaxed. One of the most important changes effected by the Reforms was the devolution of administrative, financial and legislative powers upon the local Governments and Legislatures.

245. Under section 33 of the Government of India Act, the superintendence, direction and control of the civil and military government of India is vested in the Governor General in Council. Section 45 provides that every local Government shall obey the orders of the Governor General in Council, and keep him constantly and diligently informed of its proceedings, and of all matters which ought, in its opinion, to be reported to him, or as to which he requires information, and is under his superintendence, direction and control in all matters relating to the government of its province.

246. Administrative devolution has been effected by classifying certain subjects as provincial and by entrusting them to the care of the local Government (rules 3 and 13 and Schedule I of the Devolution Rules), but such devolution does not derogate from the powers of superintendence, direction and control conferred on the Governor General in Council by the Act. Financial devolution has been effected by allocating revenues or other moneys to the local Government for the administration of subjects classified as provincial (section 45A and Devolution Rules). Legislative devolution has been effected through the same classification of subjects for the purpose of distinguishing the subjects over which Local Legislative Councils can exercise those functions which have been conferred upon them by the Act (section 80A). These acts of devolution, however, give the local Government no juristic existence. The only body corporate recognised by the constitution is the Secretary of State in Council. The residuum of power still vests in the Government of India, and the local Government has powers in respect of those subjects only which are expressly specified as provincial and subject also to the limitations prescribed.

247. Power has been taken under the Act to make provision by rules for the transfer of some of the provincial subjects to the administration of the Governor acting with Ministers, and the powers of superintendence, direction and control over the local Government vested in the Governor General in Council can, in relation to transferred subjects, be exercised only (i) to safeguard the administration of central subjects, (ii) to decide questions

(Reserved and Transferred Departments)

arising between two provinces in cases where the provinces concerned fail to arrive at an agreement, and (iii) to safeguard the due exercise and performance of any powers and duties possessed by or imposed on the Governor General in Council under, in connection with, or for the purposes of sections 29A, 30 (1-A) and part VII-A of the Act or of any rules made by or with the sanction of the Secretary of State in Council. The Governor General in Council is the sole judge of the question whether the exercise of such powers in any particular case comes within the purposes above specified.

248. On the reserved side, the Government of India's powers of CONTROL OVER RE-SERVED SUBJECTS. superintendence, direction and control are unrestricted.

249. In financial matters the powers of the local Government are more restricted. The basis of financial devolution is the FINANCIAL CONTROL. statutory allocation to the province of all receipts accruing in respect of subjects classified as provincial, to which are added certain smaller items, such as a share in the growth of central revenue derived from income tax collected in the province, the proceeds of provincial taxes, and loans and payments made by the central or other local Governments for services rendered. All moneys derived from provincial sources of revenue must be paid into the public account, of which the Governor General in Council is the custodian, and are credited to the local Government under Devolution Rule 16. The Governor General in Council has power, with the previous sanction of the Secretary of State in Council, to prescribe the procedure to be followed in the payment of moneys into and the withdrawal, transfer and disbursement of moneys from, the public account and for the custody of moneys standing in the account. Resource is thus a central subject, but the local Government has, subject to any order made by the Governor General in Council under Devolution Rule 21, a free hand in the expenditure of its funds and can draw upon its balances, provided that due notice of withdrawal is given to the Governor General in Council. The annual programme of appropriations is no longer to be referred to any authority outside the province. A few restrictions on the extent to which the local Government may incur expenditure on particular subjects remain, but no powers of independent control over provincial expenditure are now exercised by the Governor General in Council. Limitations of this nature relating to transferred subjects are confined to the protection of all-India services which the Secretary of State recruits, the creation of posts carrying certain higher rates of pay and similar matters. Those relating to reserved subjects are wider and include also capital expenditure on large schemes of public works, the revision of permanent establishments, and charges on account of the Governor. The local Government has power, subject to the few prescribed restrictions, to apply to provincial needs the balance of its resources left, when priority charges have been met. The first charge on the provincial revenues is the fixed contribution payable to the Governor General in

(Reserved and Transferred Departments)

Council as part of the arrangement for the allocation of sources of revenue to provinces. Other priority charges are interest due on advances and payments in connection with the service of loans. The local Government is also required to maintain, by fixed annual instalments, out of provincial revenues, a Famine Insurance Fund, in accordance with the rules prescribed in Schedule IV to the Devolution Rules. The previous sanction of the Secretary of State is necessary to the creation or abolition of the posts mentioned in Schedule III, to the grant to any officer of any allowance, pension or gratuity which is not admissible under rules made or in force under section 96B of the Act, and to any expenditure on the purchase of any imported stores or stationery otherwise than in accordance with the rules made by the Secretary of State in Council. Under Rule 27 of the Devolution Rules, the local Government cannot, without the previous sanction of the Secretary of State in Council or the Governor General in Council, as the case may be, include any proposal for expenditure on a transferred subject in a demand for a grant, if such sanction is required by the provisions of Schedule III to the Devolution Rules. Wide powers of taxation and borrowing are vested in the local Government, but both are subject to statutory restriction. Under section 80A (3) (a) of the Government of India Act read with the Scheduled Taxes Rules, the local legislature cannot, without the previous sanction of the Governor General, make or take into consideration any law imposing or authorising the imposition of any new tax, unless the tax is one scheduled as exempted from this provision. It can, of its own authority, impose taxation on land put to uses other than agricultural, on succession, on betting or gambling, on advertisements and on any specified luxuries, and can levy registration fees and certain stamp duties. Borrowing by the local Government also requires the sanction of higher authority. Under the Local Government (Borrowing) Rules, loans may be raised by the local Government on the security of the revenues allocated to it only for the purposes specified in the rules. No loan can be raised without the previous sanction, in the case of loans to be raised in India of the Governor General in Council, or in the case of loans to be raised outside India of the Secretary of State in Council, and in sanctioning the raising of a loan the sanctioning authority may specify the amount of the issue and any or all of the conditions under which the loan is raised. All money borrowed is raised by the local Government in the name and on behalf of the Secretary of State in Council, but the security is the revenues allocated to it. As a corollary, the local Government is responsible for capital expenditure incurred by the Governor General in Council upon the construction of productive and protective irrigation works and of other works financed from loan funds. Under Devolution Rule 24, the capital sums so expended are treated as advances made to the local Government from the revenues of India, and may carry interest at fixed rates. The audit of provincial expenditure is a central subject. The Devolution Rules provide for the employment by the central Government of the agency of the local Government for the administration of central subjects for which the central Government remains ultimately responsible, but which,

(Reserved and Transferred Departments)

nevertheless, may in practice be conveniently administered by the local Government as an agent.

250. The control of the Government of India over local legislation is chiefly exercised under the provisions of section 80A of the Government of India Act read with the Devolution Rules and the Reservation of Bills Rules. Section 80A (3) of the Government of India Act provides that the local legislature of any province may not, without the previous sanction of the Governor-General, make or take into consideration any law of the nature referred to in that sub-section. The Government of India have taken the view that the provisions of this section apply to Bills at all stages, i.e., to amendments as well as to Bills, with the result that there have been delays at every stage. According to the view taken by the Government of India, the sanction of the Governor General must be obtained before a Bill is published and introduced in the local Legislative Council, and to every amendment made when the Bill is read clause by clause. Successive Presidents of the Bombay Legislative Council have, however, put a wider interpretation on the provisions of this sub-section and have held that it is open to the members of the Council, without obtaining the previous sanction of the Governor General, to move amendments requiring such sanction when the Bill is read clause by clause, and that it is open to the Governor General to withhold his assent to any piece of legislation if he thinks that the amendments made in the Council contravene the provisions of the Act. The provisions of this sub-section have been supplemented by the Instructions to local Governments regarding legislation in Provincial Legislative Councils. These instructions require that every Bill requiring the previous sanction of the Governor General under the Government of India Act shall be reported to the Government of India for the previous sanction of the Governor General before it is introduced in the local Legislative Council. They make a similar provision as regards reports of the Select Committee and amendments made in the Legislative Council. They also provide that a report shall be made to the Government of India in the case of those Bills also which, though they do not require the previous sanction of the Governor General under the Government of India Act, are, in the opinion of the local Government, of sufficient importance and relate to reserved subjects. These instructions read with section 80A (3) have caused some inconvenience in practice. A Bill which requires the previous sanction of the Governor General cannot, except in very special circumstances, be published until it has received the necessary sanction. Under the Rules and Standing Orders of the Bombay Legislative Council, copies of a Bill must be printed and distributed to the members seven clear days before it is introduced and the first reading is moved. The result, therefore, of the above provisions especially in the case of urgent Bills, has been to inconvenience the local Government considerably and it has sometimes been found necessary to publish Bills requiring the sanction of the Governor General before the necessary sanction was obtained. The inconvenience of these provisions in the case of non-official legislation is still greater, as, under Rule 19 (2)

(Reserved and Transferred Departments)

of the Bombay Legislative Council Rules, notice of a non-official Bill requiring the previous sanction of the Governor General is not valid until the necessary sanction is attached to the Bill. The provision which has most frequently caused hardship in practice is that contained in section 80A (3) (e) of the Government of India Act read with the Devolution Rules (particularly entries 16 and 30 of Part I of Schedule I) as almost every Bill contains provisions affecting, to a greater or less degree, Civil and Criminal Law. Under entry 47 of Part I of Schedule I to the Devolution Rules, all matters not included among provincial subjects under Part II of the Schedule are to be treated as central subjects to which the provisions of section 80A (3) (e) apply. The Government of India have also taken the view that the provisions of section 80A (3) (e) apply both when the Bill as a whole regulates a central subject, and when it contains provisions affecting any central subject. The Government of Bombay realise that sanction has not been unreasonably withheld by the Government of India and has seldom been refused. The provisions have also been more liberally interpreted in practice of late. The only important cases in which it was refused or withheld during the period under report were (1) a Bill to provide for collection of statistical information for public purposes; (2) a Bill to provide for inquiry and settlement of trade disputes; (3) the Sind Courts Bill in its initial stages. The matter was the subject of correspondence between the Government of India and the local Government on two occasions. In their letter No. F.—142-Judl., dated 4th August 1922, the Government of India stated that they recognised the restrictions which are imposed upon the legislative powers of the local Legislative Councils by section 80A of the Government of India Act read with the Devolution Rules and that they would be prepared to consider any proposal which the local Government might have to make for the relaxation of the existing provisions without affecting the responsibility of the Government of India as regards central subjects. In their letter, Legal Department, No. 1757, dated 2nd September 1922, the Government of Bombay replied as follows :—

"The proposal in paragraph 2 of the letter under reference is to dispense with the sanction of the Governor General in respect of enactments ordinarily requiring such sanction but which are merely enactments in substantially the same form of repealed provisions. This will reduce to a certain extent the number of cases in which the previous sanction of the Governor General is required; but will not affect the large number of enactments in which new social, economic and educational projects are being embodied and which, it is anticipated, will be numerous in the next few years. It would be advisable, therefore, to extend the proposed exemption to other classes of enactments.

"It is perhaps unnecessary, where an enactment has been embodied in the code of one provincial Government that another provincial Government should be required to apply for the sanction of the Governor General before passing a similar enactment; and previous sanction may be dispensed with in this case also.

"It has been laid down that it is almost inevitable that a Local Self-Government Bill of any importance will contain provisions regulating the central subject of Civil Law. Practically every extension of municipal and local board work involves the limitation and regulation of private rights and would require the sanction of the Governor General. This is unfortunate in a subject which purports to be wholly transferred and involves considerable delay in legislation. I am to suggest, therefore, that where any such enactment is based on an English precedent, the previous sanction of the Governor General should be dispensed with.

"In the following further cases such sanction may be dispensed with :—

'(a) the application to one local authority of provisions already applicable to another;

(Reserved and Transferred Departments)

'(b) where special methods of procedure, e.g., of civil or criminal procedure, settling disputes or solving difficulties by arbitration or otherwise, recovering claims or dues of any local body, awarding compensation, lodging and disposing of complaints or limiting civil liability, have been enacted in respect of any purpose of a local authority, the application of the same methods in respect of any other purpose of the same or any other local authority.' "

These recommendations were re-affirmed in Legal Department letter No. 226-P, dated 22nd August 1924, and the Government of Bombay expressed their concurrence in the amendment suggested by the Government of India, that a proviso should be inserted in section 80A (3) (e) of the Government of India Act removing the requirement of previous sanction in the case of any law satisfying conditions to be prescribed in this behalf by rules to be made under the Act which will admit of a progressive advance and the relaxation of the restrictions imposed by the existing law.

Under the existing law, the local Legislature is also not competent to make any law affecting the jurisdiction of the High Court. Under section 80A (3) (f) of the Government of India Act, read with entry 17 of Part II of Schedule I to the Devolution Rules, "Administration of Justice, including constitution, powers, maintenance and organisation of courts of civil and criminal jurisdiction within the province" is a provincial subject, subject to legislation by the Indian Legislature as regards High Courts. This would mean that a local Legislature has power to make a law affecting the constitution and jurisdiction of the High Court. Section 106 (1) of the Government of India Act provides that the High Courts shall have jurisdiction and all such powers and authority over or in relation to the administration of justice as are vested in them by Letters Patent. Section 106 (1) (a) provides that the Letters Patent establishing or vesting jurisdiction, powers or authority in a High Court may be amended from time to time by His Majesty by further Letters Patent. Under clause 44 of the Letters Patent of the Bombay High Court, the Letters Patent may be amended as therein provided by the Indian Legislature only. Section 80A (4) of the Government of India Act provides that the local Legislature of any province has not power to make any law affecting any Act of Parliament. The Government of India Act is an Act of Parliament. It has, therefore, been held that the local Legislature is not competent to undertake any legislation affecting the constitution and jurisdiction of the High Court. This has led to much inconvenience in practice, especially when—and this is very common—the jurisdiction of the High Court, appellate or revisional, is consequentially affected by the conferment on a subordinate court of any new jurisdiction.

Legislation in the local Legislative Council is also subject to the power of control vested in the Governor General by section 81 of the Government of India Act, which requires that if the Governor assents to any Bill passed by a local Legislative Council, he shall forthwith send an authentic copy of the Act to the Governor General and the Act shall not have validity until the Governor General has assented thereto and that assent has been signified by the Governor General and

(Reserved and Transferred Departments)

published by the Governor. In exercise of the power conferred by this section, assent was temporarily withheld by the Governor General in the case of a non-official Bill to amend the Bombay District Police Act, 1890, but it was subsequently given.

--Further powers of control are also given by the Reservation of Bills Rules. Rule 2 of these Rules provides that the Governor of any Governor's province *shall* reserve for the consideration of the Governor General any Bill which has been passed by the Legislative Council of the province and is presented to the Governor for his assent, if the Bill appears to the Governor to contain provisions in respect of which the Bill has not been previously sanctioned by the Governor General under sub-section (3) of section 80A of the Government of India Act affecting the religion or religious rights of any class of British subjects in British India, or regulating the constitution and functions of any University, or providing for the construction or management of a light or feeder railway or tramway other than a tramway within municipal limits, or affecting the land revenue of a province in the manner mentioned.

251. In the foregoing paragraphs a brief account has been given of the powers of control vested in the Government of India. Certain difficulties which have arisen in the exercise of these powers during the last eight years are mentioned in the succeeding paragraphs. These will give an idea of the manner in which these powers have been exercised, and may perhaps be useful as indicating the changes which may be desirable.

DIFFICULTIES
WHICH AROSE DURING
THE PERIOD UNDER
REVIEW.

(i) Under item 8 (f) in Part II of Schedule I to the Devolution Rules "Alienation of Land Revenue" is a provincial subject, to be administered by the local Government, subject to the provisions of the Devolution Rules. As Land Revenue is now entirely a provincial source of revenue, it has been contended by at least two local Governments (including the Government of Bombay) that the considerations which led the Government of India before the Reforms to restrict the powers of local Governments to alienate land revenue do not now apply : in other words, that the rules which have been issued by the Government of India from time to time regulating the alienation of land or land revenue cease to be operative from the date on which the Devolution Rules came into force. The Government of India have, however, contended that they are competent, in exercise of their powers of control over provincial reserved subjects, to maintain all or any of their alienation rules at will. The Advocate General, Bombay, has stated that, as Devolution Rule 13 contains a saving of the power of superintendence, direction and control conferred on the Government of India, their contention is correct, and that item 8 (f) in part II of Schedule I to the Rules, read with Devolution Rule 13, does not give the local Government complete control over land alienations. He has advised that the only reasonable solution is to press for the framing of rules under section 45A of the Government of India Act, defining the limitations of control by

(Reserved and Transferred Departments)

the Governor General in Council in the case of all provincial subjects. This general question has not, however, been taken up by the local Government as yet. The question of promulgating new rules regarding the powers of local Governments in the matter of alienation of Government land and land revenue has been dropped by the Government of India, pending the report of the Statutory Commission.

(ii) Inland trade statistics (relating to rail and river-borne trade) were compiled by the local Government at their own cost in pre-Reform times. The Reforms made "Statistics" a central subject (item 39 in part I of Schedule I to the Devolution Rules). The Government of India were therefore requested in May 1921 to provide in the central budget for the cost of compiling inland trade statistics for this Presidency. In reply they stated that though "Statistics" is shown as a central subject in part I of Schedule I to the Devolution Rules, it was not originally the intention of the Government of India to disturb the then existing arrangement under which statistics, which are primarily required for provincial purposes, are collected by local Governments at their own expense and subsequently collected for all-India and published by the Director of Statistics at the expense of the Government of India. They at the same time intimated that they were considering the question in consultation with other local Governments, and directed that, in the meantime, the charges should continue to be met from provincial revenues. In December 1921, they issued a notification declaring provincial statistics to be a matter of a merely local nature in all provinces, in pursuance of entry No. 51 in part II of Schedule I to the Devolution Rules, which empowers them to declare any matter to be of a merely local nature within a province, though falling within a central subject. In February 1922 they were informed that, in view of the financial stringency, the Government of Bombay were prepared to do away with these statistics rather than pay for the establishment entertained for collecting them, and that the cost should be provided in the central budget if the Government of India required them. In reply the Government of India stated that they were not prepared to admit entirely the contention of the local Government that as the compilation of those statistics is a matter of purely provincial importance, it is within the discretion of the local Government to discontinue them at will. They relied on rule 5 of the Devolution Rules, and pointed out that their powers under that rule to require the submission of returns and information are unlimited in the case of transferred as well as reserved provincial subjects. They added at the same time that they did not wish to use their power in that particular case, except in the interests of the provinces themselves, and that if a majority of the provinces considered that returns on the elaborate scale served a useful purpose and therefore desired to continue them, the Government of India would not be prepared to allow one province to default and thus to render complete statistics impossible of compilation. They, therefore, did not allow this Government to discontinue the statistics. Finally, in March 1923, the Government of India decided, after consulting other local

(Reserved and Transferred Departments)

Governments, to discontinue the compilation of these trade statistics. This case indicates, first, that Devolution Rule 5 invests the Government of India with the power of calling for even such information as can only be compiled at the expense of the provinces. They may call for elaborate statistics even for transferred departments, although the local Governments may consider them to be quite unnecessary, and may not be prepared to pay for collecting them. Secondly, where any doubt arises as to whether a particular matter does or does not relate to a provincial subject, the Government of India are the final authority to decide the point. They can accordingly declare any matter, though falling within a central subject, to be of a merely local or private nature within a province.

(iii) A constitutional question of much greater importance was raised by the action of the Government of India in 1926 in appointing a Committee of Enquiry in connection with the Back Bay Reclamation Scheme. In a resolution issued by the Government of India in the Department of Industries and Labour on the 29th of July 1926, it was announced that on the request of the Government of Bombay the Government of India had decided, in the exercise of their statutory powers of superintendence, direction and control and with the approval of the Secretary of State, to appoint a committee of enquiry in connection with the Back Bay Reclamation scheme. So far as the Government of Bombay are aware this has been the only statutory enquiry of this kind undertaken under the Government of India Act, 1919, and the procedure followed on this occasion, the position of the local Government as a result of this procedure and the findings of the committee of enquiry have raised certain constitutional questions of interest and importance. The committee began the enquiry in Bombay and then proceeded to London. The local Government were not represented in any way at the enquiry in London and much of the evidence, which was published in the press and which the Government of Bombay were unable to rebut or modify by cross-examination of witnesses or by tendering further evidence on their own behalf, did not tend to improve the position of the local Government in the eyes of the public. The local Government brought this fact to the notice of the Government of India. In forwarding the comments of the Government of Bombay to the Secretary of State, the Government of India, who had invited them, remarked that they did not propose to deal with them in detail as it seemed to them inadvisable to adopt the attitude of judges as between the committee and the Government of Bombay. The Government of India proposed, however, not to place any obstacle in the way of the local Government giving publicity, either in the local press or in a statement in their Legislative Council, to the points brought out in their letter. The Secretary of State agreed that it was impossible for the Government of India to adopt the attitude of judges as between the Committee of Enquiry and the Government of Bombay and that this was equally impossible for the Secretary of State. He also stated that he could not agree to the publication of their views

(Reserved and Transferred Departments)

by the local Government. The Government of Bombay, recognising that there was no advantage in further public discussion, accepted these decisions.

These decisions have a wider application than the mere findings of the Enquiry Committee on the inception and conduct of an engineering scheme. They raise questions regarding the position of a local Government, the conduct of whose affairs is placed under investigation by the Governor General in Council under his statutory powers of superintendence, direction and control and, as a consequence, the procedure which may be adopted in undertaking such an investigation. After the enquiry into the conduct of the Back Bay Reclamation Scheme by the Government of Bombay, the Government of India considered it inadvisable to adopt the attitude of judges as between the Enquiry Committee and the local Government whose acts were under investigation and the findings of the Enquiry Committee were accepted as final. To this extent the statutory powers of the Governor General in Council were delegated to the Enquiry Committee. This position was not made clear to the Government of Bombay till after the conclusion of the enquiry. In an enquiry of this kind, the local Government appears to be the principal party to the case and it seems proper that they should have an opportunity of presenting their case as a whole before final findings, against which there is no appeal, are promulgated. While the Enquiry Committee sat in Bombay, the local Government were able, through the official witnesses, to co-ordinate their case, but when the enquiry was transferred to London these opportunities no longer existed. Much more evidence was recorded in London than in Bombay and evidence was taken there on matters which were either not enquired into at all in Bombay or which assumed an increased importance in London. The Government of Bombay had thus no opportunity of offering evidence in correction of statements either of fact or opinion which they believed were either entirely wrong or ill-founded. The Committee thus reached findings concerning the acts of the Government of Bombay and of the Government of India and of the officers of both Governments which, in the opinion of the local Government, were not always justified. Another important circumstance was that former members as well as servants of the Government of Bombay were placed at a disadvantage in being required to give evidence in London a considerable time after their official connection with the events under consideration had ceased and without ready access to official documents or a reasonable measure of assistance from the local Government. It would appear that the procedure in enquiries instituted by the Government of India in the exercise of their powers of superintendence, direction and control into the acts of a local Government requires to be carefully considered. If the local Government's views are not to be considered either by the Government of India or the Secretary of State after the enquiry is concluded, then provision should be made for the local Government affording assistance to past as well as present members of Government in preparing their evidence and for co-ordinating the Government case throughout the whole course of the enquiry. In

(Reserved and Transferred Departments)

two sets of circumstances at least some definite provision of this kind seems to be essential before an enquiry committee or similar body can pronounce a fair judgment on the conduct of affairs by a local Government, *viz.*,

- (1) when the enquiry covers a long period of time and the acts of former as well as present members and officers of Government, and
- (2) when a part of the enquiry is held at a distance from the seat of the local Government.

Both sets of circumstances were present in the Back Bay Reclamation Scheme Enquiry. These views have been communicated to the Government of India, who have informed the Government of Bombay that they have noted the suggestions made.

(iv) A case of interference with the local Government in the administration of the transferred subjects arose in 1923. The Secretary of State had a large number of recruits trained for the Imperial Forest Service in the year 1923 and the Government of India posted a larger number of these recruits to this Presidency than was required by the local Government. The number posted by the Government of India had to be accommodated in this Presidency, as the Local Government were legally advised that if they failed to make budget provision for all the recruits who had been posted to this Presidency, the Government of India could compel this Government to provide for them in virtue of the general power of control conferred by sections 33 and 45 of the Government of India Act.

(v) "Excise" is a transferred subject and the Local Government is ordinarily free to adopt any policy in relation to it that it thinks fit. The revenue from duty on foreign liquors imported from abroad is central, while vend and license fees are provincial. Up to the end of the year 1921-22 the revenue for the privilege of vend of foreign liquor in this Presidency was derived from fees fixed with reference to sales at each shop, the sales being ascertained from the licensees' account books. The accounts maintained by the licensees were, however, considered unreliable as it was to their interest to understate sales and thus escape full assessment. Considerable revenue was lost in this way and there was no means of checking the fraud without a radical change in the method of assessment of fees. In 1922 it was decided to remedy this state of things by recovering the revenue at the source, that is, from the importers. The liquor trade (importers) strongly protested against the impost. The Government of India who were approached by the traders considered the levy as opposed to the spirit of the law on the ground that it partook of the nature of import duty and not of vend fee. They asked that the orders should be revised. The Local Government considered, however, that they were strictly within their rights and successfully resisted this attempt of the Government of India to interfere both with the administration of a transferred subject and a source of provincial revenue which, as a matter of fact, did not impair the central revenues.

(Reserved and Transferred Departments)

(vi) In 1919 and 1920 part of the spirit required for consumption in the Bombay Presidency was obtained from Java. The Local Government took the view that as the spirit was imported and distributed by them, it was free from customs duty under the then existing section 20 of the Sea Customs Act which exempted Government from paying customs duty on goods imported by them. The Government of India pointed out, however, that the Local Government was not justified in exempting the spirit from customs duty and went so far as to suggest that the Government of Bombay had been unscrupulous in the use of their powers as a delegated agent for working the Sea Customs Act in order to benefit the provincial revenues at the expense of central revenues, and that their conduct was improper, and even claimed compensation for the supposed loss of customs duty. This claim was eventually withdrawn.

(vii) "Agriculture including research institutes" is a provincial transferred subject according to item 10 in Part II of Schedule I and item 7 in Schedule II of the Devolution Rules. The Local Government would, therefore, appear to have unfettered discretion in the establishment of research stations on sugarcane growing. The Government of India did not, however, take this view. In 1922 they supported the recommendation of the Indian Sugar Committee for the establishment of a Central Research Institute and Sugar Board. The Committee also proposed the expansion or establishment of research stations in the provinces at the cost of central revenues. The Government of India did not agree to this proposal "for the time being, at any rate," as their financial position was unfavourable. They hinted, however, at Imperial control of sugar research stations "if and when the Central Government can find the necessary funds." They did not quote any authority for this view but apparently relied on item 33 in Part I of Schedule I to the Devolution Rules, according to which "central agencies and institutions for research" are a central subject. The Local Government pointed out that under item 10 of Part II of Schedule I to the Devolution Rules expenditure in connection with agriculture must be controlled by the Local Government and that provincial Governments should control research work on sugarcane in their own areas. The Government of India have not written further on the subject.

(viii) In 1927 a proposal made by the Local Government to raise the special pay attached to the post of Deputy Director of Public Instruction from Rs. 150 to Rs. 250 per mensem was not agreed to by the Government of India who stated that they were not convinced of the necessity of increasing the special pay. The question was not further pressed by the Local Government.

(ix) Prior to April 1923, nominations to the post of Surgeon-General with the Government of Bombay used to be made by the Governor after consultation with his Minister. In their letter No. 291 dated the 28th April 1923 the Government of India intimated that in accordance with a rule under Devolution Rule 12 framed by the Secretary of State for India, they proposed to change the procedure which was being

(Reserved and Transferred Departments) .

followed till then and to reserve to themselves the power of appointing the Surgeon-General. They added that they would always consult the Local Government before actually making the appointment and would give the fullest consideration to the Local Government's wishes in the matter. In reply the Government of Bombay stated that as "Medical Administration" was a transferred subject, there was all the more reason why the practice according to which nominations to the post of Surgeon-General were made by the Governor in consultation with his Minister should be continued. The Government of India have, however, not agreed to this. They have not yet given their final decision in the matter and have stated that they have decided to postpone consideration of the question till after a decision has been reached on the recommendations of the Royal Commission on Public Services so far as they relate to the reorganisation of the Civil Medical Service in India. The revised procedure suggested by the Government of India is, in the meanwhile, being followed.

252. Part IV of the Devolution Rules relates to the employment by the Government of India of the agency of provincial Governments for the administration of central subjects. Among the subjects administered by the Local Government as agent for the Government of India are:—

AGENCY OF THE
LOCAL GOVERNMENT.

- (1) Salt Department in Sind and Aden ;
- (2) Trading companies and other associations ;
- (3) Cantonments ;
- (4) Bombay Soldiers' Board and other miscellaneous military matters ;
- (5) Control of production, etc., of articles for which control by central authority is declared ;
- (6) Ecclesiastical administration ;
- (7) Mahikantha Agency Police ;
- (8) Passports ;
- (9) Public Works in Agency areas ;
- (10) Budgets of Agency areas ;
- (11) Political officers and their establishments ; and
- (12) Archæology.

No particular difficulties have arisen in connection with the administration of these subjects.

The subjects of "Shipping and Navigation," "Ports declared to be major ports," "Port Quarantine," and "Lighthouses, beacons, etc." are declared to be central subjects, but the statutory powers for the administration of "Ports" and "Shipping" are at present vested almost entirely in Local Governments. The Port Trusts of Bombay, Karachi and Aden are governed mainly, if not entirely, by Acts of the Local Legislature, namely, the Bombay Port Trust Act, the Karachi Port Trust Act and the Aden Port Trust Act. The appointments of Shipping Masters, Deputy Shipping Masters, Port Health Officers, Port Officers, Engineers and Ship Surveyors are made either by, or in cases in which

(Reserved and Transferred Departments)

officers are to be lent by the Royal Indian Marine, after consultation with, the local Governments, while practically all rules under the various Maritime Acts in force are framed and issued by the Local Government although in the majority of cases the previous approval of the Government of India has to be obtained to the issue of such rules. In 1924 the Government of India considered the question whether the administration of "Ports" and "Shipping" should continue to be central or be provincialised, and expressed the opinion that the control of subjects which are of national or international concern should be vested in the Central Government and that "Ports" and "Shipping" were clearly such subjects. They also considered the question whether these subjects should be administered direct or as at present through the agency of local Governments and came to the tentative conclusion that direct administration by them would be better. Before coming to a final conclusion on this question, however, they desired to discuss it with representatives of Local Governments, Chairmen of the Port Trusts, Port Officers and Port Health Officers. As a result of the discussions which took place in November 1924 the Government of India decided that (1) Shipping and Navigation and (2) Lighthouses should be administered direct and that legislation should be undertaken so as to vest the necessary statutory powers in the Governor General in Council. This has been done so far as Lighthouses are concerned by the Indian Lighthouses Bill which was passed in September 1927. A Bill has also been introduced in the Central Legislature to amend the Merchant Shipping Act, 1923. There was some difference of opinion at the conference as regards the control of Major Ports and it has been decided that the question should be considered later when sufficient experience of the central administration of other subjects has been gained.

The question of Port Quarantine Administration is still under the consideration of the Government of India.

The Position and Powers of the Governor

253. The transitional system introduced by the Reforms contained many possibilities of conflict and deadlock between the various authorities, and wide powers, providing either by rules or by the use of discretionary authority, for the avoidance of such conflicts and deadlocks have been vested in the Governor. He makes rules and orders for the transaction of business in his Executive Council and with his Ministers, and for regulating the relations between the Executive Council and the Ministers. In case of disputes arising as to whether any matter relates to a reserved or to a transferred subject, it is the Governor who decides the question, and his decision is final (Devolution Rule 7). Under Devolution Rule 9, when a matter appears to affect the administration both of a reserved and of a transferred subject, and there is disagreement between the Members of the Executive Council and the Ministers concerned as to the action to be taken, the Governor

THE POSITION AND
POWERS OF THE
GOVERNOR.

(Reserved and Transferred Departments)

directs in which department the decision should be taken. He determines by rules and orders what cases shall be dealt with departmentally and what shall be discussed in Council, and it is for him to direct when recourse shall be had to joint deliberation of both halves of the Government. He has power under section 50 (2) to take action otherwise than in accordance with the decision of his Executive Council for certain grave reasons. In relation to transferred subjects, he is ordinarily guided by the advice of his Ministers, but has power, if he sees sufficient cause to dissent from the opinion of his Ministers, to require action to be taken otherwise than in accordance with their advice [section 52 (3)]. Where, owing to a vacancy, there is no Minister in charge of a transferred subject, he has power to administer the subject himself temporarily. Control over officers of the public services is exercised on the reserved side by the Governor in Council and on the transferred side by the Governor acting with the Minister in charge of the department. No order affecting emoluments or pensions, no order of formal censure, and no order on a memorial can be passed to the disadvantage of an officer of an All-India or Provincial Service without the personal concurrence of the Governor, and no order for the posting of an officer of an All-India Service can be made without the personal concurrence of the Governor. In the legislative field his duties are no less important. He summons the sessions of the Legislative Council, fixes the times and places for holding the session, and has power to prorogue the Council. He may dissolve it before the expiration of its term of office, or may extend it for a period not exceeding one year. He is not a member of the Legislative Council, but has the right of addressing it. He appoints the Secretary of the Council, and has power to nominate certain members to it. The elections by the Council of its President and Deputy President require the approval of the Governor. He allots days for the transaction of Government and non-official business in the Council and for the discussion of the budget. Every Bill proposed to be introduced by Government must be approved by him before introduction. He has power to order the publication of any Bill in the *Gazette*, although no motion has been made for leave to introduce it in the Council. He has the power to secure the passage of necessary legislation relating to reserved subjects through the Council by the use of the certifying powers and to require the Legislative Council to reconsider a Bill which it has already passed. Measures affecting the public revenues or imposing any charge on them can be introduced only with his previous sanction. He can prevent the discussion of resolutions or adjournment motions dealing with certain subjects. Election petitions have to be presented to him. Commissioners to try such petitions are appointed by him, and final orders in accordance with their report are issued by him. He is the final authority for deciding questions arising out of the interpretation of the Electoral Rules. He has power to certify expenditure relating to reserved subjects which the Council may have refused or reduced, and in cases of emergency to authorise such expenditure as may, in his opinion, be necessary for the safety of the Province or for

(Reserved and Transferred Departments)

the carrying on of any department. If there is disagreement between the Members of Council and the Ministers as to the apportionment of funds between the reserved and transferred departments, he has the power to allocate the revenue and balances between the reserved and transferred subjects by specifying the fractional proportions of the revenues and balances which shall be assigned to each class of subject.

The new system has worked so smoothly in this Presidency that none of the wide emergency powers mentioned above has had to be exercised by the Governor at all. There has been no occasion for the Governor to take action against the wishes of his Executive Council or to over-rule the opinion of his Ministers. Neither legislation nor expenditure has ever had to be certified against the wishes of the Legislative Council. Even the power of refusing sanction to measures affecting the public revenues and of disallowing resolutions and adjournment motions which are largely of a routine nature have been very sparingly used.

Rules of Business and their working : Relations between the two halves of Government

254. The business is classified and distributed among the different departments of Government and between the Governor, the Members of his Council and the Ministers in such manner as the Governor directs.

**RULES OF BUSINESS
AND THEIR WORKING :
RELATIONS BETWEEN
THE TWO HALVES OF
GOVERNMENT.**

Any business of special importance or urgency may, if the Member or Minister in charge is not immediately available, be submitted by the Secretary direct to the Governor, who may either refer it for disposal, with his remarks, to the Member or Minister in charge or himself pass orders on it if he thinks it imperative to do so without reference to the Member or Minister. When a case is thus submitted direct to the Governor, the Secretary must immediately inform the Member or Minister in charge of the fact that the case has been so submitted and of the orders, if any, passed by the Governor.

The following cases have to be submitted to the Governor before orders are issued on them :—

- (1) Resolutions on administration reports ;
- (2) Circulars embodying important principles or changes ;
- (3) Important correspondence with the Government of India, the High Court, the Judicial Commissioner's Court or any public association recognised by Government.
- (4) Proposals involving legislation, the imposition of taxation or the raising of a loan.
- (5) Proposals involving the creation or abolition of any gazetted post, whether temporary or permanent, the maximum pay of which is Rs. 250 a month or more.
- (6) Orders affecting emoluments and pensions and those on memorials to the disadvantage of an officer in receipt of pay in excess of Rs. 250 per mensem.

(Reserved and Transferred Department.)

(7) All petitions in connection with sentence of death passed in criminal cases.

(8) Cases which the Member or Minister in charge considers to be of major importance.

(9) Cases which the Secretary considers to be of special importance.

(10) Cases of importance in which it is proposed to take action against the advice of the head of a department.

(11) All cases in which it is found necessary to make communications to high officers of Government conveying or implying the dissatisfaction of Government in any degree or indicating how they might more satisfactorily discharge the duties of their office.

(12) Nominations and postings of officers mentioned in the Schedule to the Rules of Business and of officers of the provincial services.

(13) Cases in which there is disagreement between the Member or Minister in charge of the department and the Member or Minister in charge of another department concerned.

(14) When it is doubtful to which department a case belongs.

(15) When a Member or a Minister desires any further action to be taken on a case not pertaining to his department.

(16) When a Member or a Minister is not prepared to comply with the request made by another Member or Minister to see papers pertaining to the department in charge of the Member or Minister first mentioned.

(17) When the Finance Member desires that a case in a transferred department should be submitted to the Governor for orders.

(18) When it is doubtful whether an action taken in a transferred department affects a reserved department or whether an action taken in a reserved department affects a transferred department.

(19) When the Secretary considers that there has been any material departure from the Rules of Business.

(20) When any doubt arises as to the interpretation of the Rules of Business.

(21) Any other case or class of cases which the Governor specially directs to be submitted to him.

Nominations to posts mentioned in the Schedule to the Rules of Business and postings of officers mentioned in that Schedule are made by the Governor after consulting the Member or Minister in charge. Except in case of urgency, every Member has an opportunity of submitting for consideration any objection he may have to offer to any proposed appointment in a reserved department before it is gazetted. In this connection it should be noted that orders as finally issued are "by order of the Governor in Council" or "by order of the Government of Bombay" according as the department is reserved or transferred. It had always been the practice, even from pre-Reform times, to circulate a notification paper of all appointments made by Government for the information of Members of Government. In November 1923, the Governor stopped the circulation of these papers. This gave rise to a controversy as to the Governor's rule-making powers under section 49 (2)

(Reserved and Transferred Departments)

of the Government of India Act. Objection was taken to rules 4, 8, 11 and 13 of the Rules of Business as made by the Governor under the above mentioned section of the Act, on the grounds that these rules were repugnant to the provisions of the Act or to other rules made under the Act. After considerable discussion, the Governor agreed in July 1926 to amend the rules. Other nominations and postings of officers of the Provincial Service are made by the Member or Minister in charge subject to the approval of the Governor. Appointments and postings in the subordinate services are made by the Member or Minister in charge. Cases are dealt with in the different departments according to the prescribed procedure, and in case of difference of opinion, the Governor decides the question. Subject to the general control of the Governor, any Member in a reserved department has power to call for papers belonging to another department, whether reserved or transferred. A case in a reserved department in which the Member does not accept the Governor's opinion is circulated and when so circulated, any Member may ask that it be discussed in Council. In all cases the Governor has power at any stage to direct a discussion in Council.

The rules for dealing with cases in transferred departments are more or less similar. A Minister has power to call for papers in any department, whether reserved or transferred, if they are required for the disposal of a case in his department. When a case in a transferred department has been submitted to the Governor and he does not agree with the Minister's view, the case is returned to the Minister with the Governor's remarks. Any Minister may ask that a case relating to his department be discussed at a joint meeting of Members and Ministers. Ordinarily all important matters are discussed in joint meetings of the Members and Ministers, though the decision is taken in the reserved or the transferred half of Government according to the nature of the subject. The Finance Member has power to call for any papers from any transferred departments and to require that they, with his notes on them, should be submitted to the Governor for orders.

Bills relating to reserved departments, after they have been approved by the Governor, are circulated to the Ministers for information. Bills relating to transferred departments, after approval by the Governor, on the advice of the Minister in charge, are circulated to the other Ministers and Members of Council for their information.

Working of Dyarchy

255. Although the system introduced by the Reforms may be said
 WORKING OF to have worked smoothly and satisfactorily in this
 DYARCHY. Presidency, it would not be quite correct to say
 that it has worked in the way in which it was intended to do. The absence
 of any strong and well-organised ministerial parties and of joint responsibility among the Ministers has led to there being in actual practice no
 great difference between the Members of the Executive Council and the
 Ministers. There have not been at any time, nor are there at present,

(Reserved and Transferred Departments)

any strong well-organised parties in the Council with any definite policy from whom the Ministers could be selected and on whose support they could count. The Swarajist party has been the only organised party united by bonds other than communal. It has never commanded a majority in the Council and has been pledged to a policy of refusal of political responsibility. The Ministers have had, in consequence, to be selected from the smaller groups. These groups have been not only numerically inferior but deficient in organisation. In the second Council the non-Brahmin party had made some progress in these two respects. It acknowledged a certain allegiance to the non-Brahmin Minister for Education and followed his leadership in matters which concerned that particular department; but it appeared to consider itself entirely free and was not infrequently divided on other matters, whether affecting reserved or transferred departments. The two Muhammadan groups—one for Sind and the other for the Presidency—have up to now not made much progress in real organisation. Upon questions which especially interest and concern their electorates they generally vote together. But outside the bonds of communal interest they have little cohesion. Their lack of organisation and settled policy is the second cause of the weakness of the position of the Ministers. Still another cause is the fact that the smaller groups in the House from which the Ministers were appointed are separated by locality and religion. The two Muhammadan groups are geographically disconnected and distinct and the third group is composed of Hindus partly from the Deccan and partly from the Southern Maratha Country. The difficulty has been enhanced by the financial stringency which has prevailed all through the period of the Reforms and which has made it impossible without increased taxation to allocate sufficient funds to the transferred departments to enable the Ministers to present a party programme which would secure the systematic and united support of the smaller groups which they represent. Without adequate support from their followers, the Ministers have always been obliged to rely largely for support upon the official vote and this has had the effect of obscuring the distinction between them and the Members of the Executive Council. The majority of the non-official members whose political education has been mainly in the school of opposition to official measures recognise little distinction between the Ministers who are supposed to represent the popular element and the Members of the Executive Government. Both depend for support mainly on the official vote and the followers of the Ministers regard them mainly as Members of the Executive Government. This has tended to deaden the followers' sense of allegiance, to lessen their sense of responsibility and to throw them back on the simpler and more popular policy of opposition to official measures. A party which held the existence of a ministry in its power would systematically use and support the ministry. The Ministers are scarcely felt to belong to a party upon whose support they do not wholly depend for their political existence, and which regards them not so much as its own representatives as bound by the official vote to the policy of the Executive Government.

CHAPTER VII—THE EXECUTIVE AND ADMINISTRATION

(Reserved and Transferred Departments)

The absence of well organized parties divided on broad questions of policy is inevitable under the present system. Dyarchy, with the dual control over Ministers (of the Legislative Council and of the Governor) which it necessarily involves, hinders the growth of such parties. It is also probable that if the Ministers were to organise parties of their own and to rely entirely on them for support, and be guided by their wishes on all important matters, they would have constantly to oppose the reserved half of Government, with the result that the latter would be repeatedly defeated in the Council and deadlocks would be of constant occurrence.

The Government has always been in the anomalous position of an executive pledged to carry on the business of governing without a working majority in the House. It has been enabled to carry on its business in spite of a persistent and at times well-organised opposition, mainly because the majority in the House has been determined that the opposition shall not bring Government to a deadlock. The Government cannot, however, reckon on the support of a majority even in matters concerning transferred departments, because the Ministers have not an assured following in the House.

A further cause of the weakness of dyarchy in this Presidency has been the absence of joint responsibility among the Ministers. The necessity of selecting the Ministers from the smaller and more or less disorganised groups in the Council has made the existence of joint responsibility among them practically impossible. Efforts were at one time made to introduce joint responsibility, but they did not materialise.

Though dyarchy has worked with good results in this Presidency, the essential conditions for its successful working have been wanting ; and in so far as it has worked, the success achieved was partly due to the moderation of the Council and partly to the efforts made to work the Reforms successfully by the Members of Government and the permanent Services. The Members of the Services generally and the heads of departments have loyally co-operated with the Members of Council and Ministers in working the Reforms and the relations between them have always been good.

Finance in relation to Reserved and Transferred Subjects.

The Proposal for a Joint Secretary and a Separate Purse.

256. The existing provisions for the allocation of provincial revenues between reserved and transferred departments are contained in rules 31-35 of the Devolution Rules. Rule 31 provides that expenditure for the purpose of the administration of both reserved and transferred subjects shall, in the first instance, be a charge on the general revenues and balances of each province, and the framing of proposals for the apportionment of funds between reserved and transferred departments respectively, whether at the time of the preparation of the budget

FINANCE IN RELATION TO RESERVED AND TRANSFERRED SUBJECTS. THE PROPOSAL FOR A JOINT SECRETARY AND A SEPARATE PURSE.

(Reserved and Transferred Departments)

or otherwise will be a matter for agreement between the Executive Council and the Ministers. Rule 32 provides that in the event of a failure to agree on the allocation of revenues, the Governor should allocate a certain portion of the revenue and balances to each half of the Government. Such an order of allocation must be made by the Governor in accordance with his own discretion or in accordance with the report of an authority to be appointed by the Governor General in this behalf on the application of the Governor. The order of allocation unless revoked shall remain in force for the lifetime of the Council and at the most a year after. The order may, however, be revoked earlier if an agreement is reached between the Executive Council and the Ministers. Before such an order is passed the budget provision for the year before would determine what money is to be allotted in the budget for the various departments.

The Reforms Enquiry Committee reviewed the position in 1924 and reported that in actual practice it had not been found necessary in any province to apportion the available funds in the manner contemplated by Devolution Rules 32 to 35. They point out that possibly this result was due to the fact that surplus funds were, generally speaking, not available. A few witnesses before the Committee recommended the system of a separate purse. But the Committee thought that so long as it was possible to arrive at an apportionment of the available funds by agreement, as had been the case, there was no necessity to make any change in the system. They therefore did not endorse the proposal for a separate purse.

So far as this presidency is concerned the apportionment of funds between the departments dealing respectively with the reserved and transferred subjects has been arrived at by amicable agreement between the Members of the Executive Council and Ministers who have based the division upon the previous actual expenditure in these departments. The division has been arrived at after a good deal of give and take by the Honourable Members and Ministers at a series of joint meetings. Both halves of Government fully realised the necessity for economy and looked at the problem of balancing the budget from the standpoint of Government as a whole and not from that of narrow departmentalism. The special power of the Governor under Devolution Rule 32 has never been exercised under the circumstances. The deadlock contemplated by the Devolution Rule has never occurred nor has there been any serious disagreement. To quote an example, in 1922-23 a reserve of 20 lakhs was allocated by common agreement in the proportion of 12 lakhs to reserved and 8 to transferred subjects. The actual expenditure from the 20 lakhs, however, was 8½ lakhs for the reserved and 10 lakhs for the transferred. It may legitimately be concluded from this that the Members and Ministers trust the Finance Department to hold the scales even between the departments in permitting application to the Legislative Council for grants from the reserve. A cut of 60 lakhs made by the Legislative Council in 1922-23 was also spread proportionately over both reserved and transferred subjects because of such harmonious relations between

(Reserved and Transferred Departments)

the Honourable Members and Ministers. The experience in Bombay, therefore, has been one of "harmonious relations", and no difficulty has been experienced in this matter.

The old Devolution Rule 36 (2) provided for the appointment of a Joint Secretary in the Finance Department if the Ministers so desired. The Joint Secretary was to be specially charged with the duty of examining and dealing with the financial questions arising in relation to transferred subjects and with proposals for taxation or borrowing put forward by any Minister. The Reforms Enquiry Committee examined this question and noted that a Joint Financial Secretary had not been appointed in any province. The Committee remarked that there was some misapprehension of the functions which it was intended that the Joint Financial Secretary should perform. One Minister remarked that such an official might be looked upon as a spy. The Government of Bombay and the Bombay Ministers suggested to the Committee that such an officer should be appointed. The intention of the Government of India in suggesting a Joint Secretary was that the officer should be a Financial Adviser to the Ministers in all transferred subjects. He should be wholly at their disposal to help them on the financial side of their work. He should prepare proposals for expenditure and the like for presentation to the Finance Department, and should see that their case has been properly represented. The Reforms Enquiry Committee recommended the appointment of such an officer, and suggested that he should be called the Financial Adviser, with powers similar to those possessed by Financial Advisers to other departments. This recommendation was accepted by the Government of India and Devolution Rule 36 was accordingly modified. The new rule provides for the appointment of a Financial Adviser to the Ministers if they so desire. The Finance Department may delegate to the Financial Adviser all or any of the functions of the Finance Department specified in Rule 37 or referred to in any other rule. The Ministers, however, have never pressed for the appointment of such a Financial Adviser in Bombay. In 1927 in reply to a Council question, the Honourable Sir Ghulam Hussain Hidayatallah replied as the senior Minister that the Ministers had not expressed a desire for the appointment of a Financial Adviser.

Tendency of Legislation since the Reforms.

257. An account of the course of legislation in the transferred departments is given in paragraph 384. As stated there, Government legislation in the transferred departments during the period of the Reforms was marked by a very progressive and liberal policy, as is evidenced by the Bombay Local Boards Act, 1923, the Bombay Primary Education Act, 1923, the Bombay Prevention of Adulteration Act, 1925, the Bombay Co-operative Societies Act, 1925, the City of Bombay Improvement Trust Transfer Act, 1925, the Bombay City Municipalities

TENDENCY
OF
LEGISLATION SINCE
THE REFORMS.

(Reserved and Transferred Departments)

Act, 1925, and the Bombay Cotton Markets Act, 1927. Legislation in the reserved departments was also of an important and liberal character. It extended to various subjects such as control of transactions in cotton, control of dealings in securities, control of gambling, protection of children, control of prostitution, protection of tenants against rack-renting, revision of the constitution of port trusts with a view to increasing the Indian element, etc. A very noticeable feature of the Reforms period was the very large number of Bills introduced or proposed to be introduced in the Legislative Council, though several of them did not pass through all the three readings. Notices of several non-official Bills were received at each session, but very few of them were eventually passed. The number of Acts passed in each of the years 1921-27 was 7, 14, 11, 14, 19, 12 and 17. Of these the number of non-official Bills passed was 1 in 1923, 1 in 1924, 3 in 1925, 1 in 1926, and 2 in 1927. Of the Acts passed in the reserved departments, the more important were Finance Acts, *viz.*, Acts to amend the Indian Stamp Act, 1899, the Court-fees Act, 1870, and the Bombay Entertainments Act, 1923, which had to be passed owing to financial stringency for the purpose of augmenting the revenues of Government.

258. *The Bombay Port Trust Act, 1923*: This Act was passed for the purpose *inter alia* of giving increased representation to the Indian commercial community. It was represented to Government that the Indian representation on the Board of Trustees for the Port of Bombay was inadequate. The Act increased the number of trustees from 17 to 21 and gave three seats to Indians, thus increasing the number of Indians on the Board from 5 to 8. Opportunity was also taken to make all the seats allotted to Indians elective. The number of nominated seats was reduced to 7 and the provision requiring Government to nominate three Indians among the nominee trustees was repealed.

The Bombay Prevention of Prostitution Act, 1923, was passed for the purpose of remedying the evils of prostitution in the presidency. The Act was extended in the first instance to the City of Bombay only, but provision was made for its extension to such other areas in the presidency as may be deemed to require it. The Act makes the procuring and importation of women and the living on the earnings of women an offence, and penalties have been provided for the trapping of ignorant women and their exploitation. It also provides for the segregation of brothels.

The Karachi Port Trust Amendment Act, 1924, was passed with the object of securing adequate representation of Indian commercial interests on the Board of Trustees for the Port of Karachi. It raised the number of trustees from 11 to 14, of whom 9 are to be elected. Of the 9 seats filled by election 4 are allotted to representatives of Indian commercial bodies.

The Bombay Children Act, 1924, was passed for the purpose of making better provision for the custody and protection of children under the age of 14 and young persons who may be 14 years of age and

(Reserved and Transferred Departments)

upwards but under the age of 16, and for the custody, control and punishment of youthful offenders under the age of 16. Provision is made for the moral improvement of children and young persons who have no one to look after them or are neglected by their parents or guardians or are living in immoral surroundings. Such children may be sent by the court to a certified school or may be committed to the care of a relative or other fit person. Young persons may be dealt with in the latter way only. Punishments are provided for general ill-treatment of children and young persons, for causing them to beg, for allowing them to frequent brothels, and for causing or encouraging their seduction. The Act also provides for the establishment and maintenance of industrial schools for the reception of children and young persons in which children and youthful offenders of both sexes may be taught a useful trade. Provision is also made for the establishment of juvenile courts to obviate the association of children and young persons with adult criminals.

The Bombay Securities Contracts Control Act, 1925, was passed for the purpose of taking authority to control transactions in securities. The repeated occurrence of crises in the Bombay Stock Exchange led to a demand by the public in 1923 for an enquiry by the Government into the administration of the Exchange. A committee was accordingly appointed to investigate and submitted a report to Government in 1924 making certain recommendations for the better administration of the Stock Exchange. The Act gives Government power to enforce such rules as they may consider necessary in the interests of the public.

The Bombay Children (Amendment) Act, 1925, makes it penal to be drunk while in charge of a child, or to give or cause to be given intoxicating liquor to a child or to sell tobacco to a child or young person or to incite a child or young person to bet or borrow or to take a pawn from a child or young person.

Another important measure was the *Sind Courts Act, 1926*, which was passed for the purpose of establishing a Chief Court in Sind. The administration of justice and the appellate and revisional jurisdiction of the province of Sind was entrusted up to 1906 to a single judge known as the Judicial Commissioner. The original civil and criminal jurisdiction in the city of Karachi and the district was exercised by a District and Sessions Judge, with the occasional help of an Assistant or Joint Judge as to other parts of Sind. The commercial growth and increase of population of the city of Karachi and the general progress promoted by large irrigation works had proved that system to be no longer satisfactory or sufficient. The Court of the Judicial Commissioner was therefore created in 1906. It was a compromise between the old system and the claims which were urged for a Chief Court with full powers both of the original and appellate sides of the High Court. But it was soon found that the work was beyond the powers of the court so established. The Civil Justice Committee pointed out the urgent necessity of taking adequate steps to improve the status and procedure of the court to

(Reserved and Transferred Departments)

meet the reasonable requirements of the important seaport of Karachi and of the probable expansion of wealth likely to result from the Sukkur Barrage scheme in the rest of the province. The creation of a Chief Court consisting of a Chief Judge and three or four Puisne Judges with salaries sufficient to attract and retain permanently experienced judges both from the Bar and the Service seemed to be the minimum necessary to meet the position. The Act, therefore, provides for the establishment of a Chief Court in Sind from the date of its coming into operation. The Chief Court is to consist of a Chief Judge and three or more judges appointed by the Governor General in Council. It is to be the highest civil court of appeal and revision and the highest court of criminal appeal and revision for Sind, and the principal civil court of original jurisdiction for the civil district of Karachi, and is to be the court of sessions or to exercise the powers and perform the duties of a Sessions Judge in the Sessions Division of Karachi.

Bombay Act VI of 1927 (the Aden Civil and Criminal Justice Amendment Act, 1927) was another important measure, passed for the purpose of liberalising the administration of justice in Aden. The Act providing for the administration of civil and criminal justice in Aden was passed in 1864. Aden has since grown into an important commercial centre, and it appeared that it was no longer possible for the Resident adequately to discharge the judicial duties imposed on him by the Act of 1864. The Act of 1927 preserves the Resident's jurisdiction as before, but affords him relief from his judicial duties by taking power to appoint a Judicial Assistant to the Resident who will be able to exercise all the powers exercised by the Resident. Provision has also been made for the creation of a Bar in the Aden courts, for the enrolment of Advocates, Pleaders and Attorneys and for their appearance on behalf of parties in all civil and criminal proceedings in the courts in Aden. The Act also provides for the appointment of District, Honorary, Special and Bench Magistrates.

259. Very few non-official Bills were passed into law during the period under report. The tendency of non-official legislation will be apparent from the following review of the Bills of which notices were received during the period under report. The Bills related to various subjects, such as communal matters, social reform, education, depressed classes, prohibition of drink, prevention of cruelty to animals, prevention of slaughter of animals, regulation and management of public religious and charitable trusts, prevention of gambling, protection of tenants against landlords, registration of marriages, control of the Executive Government, franchise for local boards and municipalities and the Law relating to hereditary village officers.

Mr. A. B. Lathe's Bill to amend the law relating to emoluments claimable by watandar Hindu priests provided that no person should be entitled to claim as a matter of right any ceremonial emoluments from any Hindu who does not call in the services of the person claiming those emoluments.

(Reserved and Transferred Departments)

It aimed at doing away with the custom under which the Brahmins claimed from non-Brahmins payments for services which the latter never required. This Bill was not passed into law.

Another piece of legislation of a communal character was Mr. Bole's Bill to amend the Bombay City Municipal Act, 1888, introduced in the year 1925. It provided for the representation of the backward and depressed classes on the Municipal Corporation of the City of Bombay. It was, however, lost at the first reading. A further attempt was made by Mr. A. N. Surve in the same year and more or less to the same effect, but it was also lost.

Mr. Bole obtained the permission of the Legislative Council on the 3rd November 1925 to introduce a Bill similar to that proposed to be introduced by Mr. A. B. Lathe in 1921. The Bill was eventually passed as Bombay Act XI of 1926. That Act provides that no person shall be entitled to claim as a matter of right any ceremonial emoluments from any Hindu who does not call in the services of the person claiming those emoluments.

Notices of amendments providing for communal representation were received at various times, the most important being those for the representation of the non-Brahmins and the Muhammadans in the constitution of the University.

Mr. Bole's Bill to amend the law relating to the emoluments claimable by watandar Hindu priests may also be mentioned as indicating the progress of social reform in the direction of the removal of Brahmanic control over the Non-Brahmins.

Another piece of legislation aiming at social reform was Rao Bahadur Kale's Bill to regulate and define the rights of Hindu women in property inherited from men, of which notice was given on the 26th September 1921. Sanction to the introduction of the Bill was, however, refused by the Governor General.

Rao Bahadur Kale's Bill to consolidate the provisions relating to public religious and charitable endowments and to put the law relating to the management of the same on a more satisfactory basis, of which notice was given on the 1st May 1922 was also an important measure bringing the management of religious trusts under control. The Bill was not pressed.

A much more important measure in the direction of social reform was Mr. D. B. Adwani's Bill to enable those Hindus of the province of Sind who desire to restrict themselves to monogamous marriages to do so, of which notice was given on the 31st May 1924. The reason for the proposed legislation, as stated in the objects and reasons, was that though the custom of monogamous marriages exists among the Hindus of Sind, there have been cases in which several persons have defied the custom and resorted, in the face of public opposition, to marriages during the life-time of their wives, without any justifying cause, and that the panchayats of the communities have, in the absence of any powers, been unable to exercise any effective control. It was stated in the statement of objects and reasons that there was a strong public

(Reserved and Transferred Departments)

feeling in favour of a measure of that kind. The Bill was subjected to much criticism both inside the Council and by the public. It passed the first reading, was referred to a select committee, which made its report in September 1925, but eventually lapsed as the member in charge of the Bill did not move its further reading.

Mr. Noor Mahomed's Bill to amend the Bombay Local Boards Act, 1923, aimed at having an authenticated record of marriages for the purpose of production whenever required in a court of law. It made it obligatory for local boards to provide for the compulsory registration of marriages, and provided a penalty for failure to get a marriage registered. It was, however, opposed by the Hindus as affecting their religious usages and was eventually withdrawn by the member in charge on the 8th July 1926.

Mr. R. G. Pradhan's Bill to amend the Bombay Primary Education Act, 1923, notice of which was given on the 12th December 1924, aimed at ensuring the general introduction of compulsory elementary education within a definite period. It was not, however, proceeded with as the necessary previous sanction was refused by the Governor.

Notices of two Bills were received purporting to prohibit the manufacture, sale and import of liquor and to control drink generally—-one from Mr. V. R. Gupte in July 1921 and the other from Mr. R. G. Pradhan in April 1925. The Bills, however, were never introduced in the Legislative Council.

Mr. Surve's Bill to amend the Bombay District Police Act, 1890, which was passed as Bombay Act XIX of 1925 furnishes a striking illustration of the manner in which the legislature has attempted to control the work of the executive. Section 25 of the Bombay District Police Act, 1890, as it stood before that Act was amended by Bombay Act XIX of 1925, empowered Government to direct the imposition of a tax or rate to defray the cost of additional police employed in any local area which appeared to it to be in a disturbed or dangerous state. Bombay Act XIX of 1925 provides that a copy of every direction given by Government shall be sent forthwith to each Member of the Bombay Legislative Council and shall be laid on the table of the Bombay Legislative Council at the commencement of the session next following the date of such direction and the question whether the said cost or any part thereof shall be defrayed in the manner specified in the subsection or whether it shall be defrayed out of the general revenues of Government shall, if so required by due notice given at that session by any member, be decided by a resolution duly passed in this behalf by the said Council; and recoveries shall be suspended pending the consideration of such resolution, if any, at such or the next succeeding session.

Rao Saheb Patil's Bill to amend the Bombay Hereditary Offices Act which became Bombay Act XI of 1925 reduced the powers of Government to punish the whole body of watandars for certain offences committed by a representative watandar or his deputy and provided that no orders punishing representative watandars or their deputies should be passed except after an investigation and after giving the parties an opportunity of being heard.

(Reserved and Transferred Departments).

260. Speaking generally, the tendency of the Legislative Council, as evidenced by private Bills and amendments moved or carried to Government Bills has been to reduce penalties, to provide for appeals and to secure control over the actions of the executive, a tendency which found its expression in the provision made in the Bombay Children Act, 1924, the Bombay Co-operative Societies Act, 1925, the Bombay City Municipalities Act, 1925, the Bombay Cotton Markets Act, 1927, and the Bombay District Police (Amendment) Act, 1925 (by Mr. Surve), making the rules proposed to be made or directions proposed to be given by Government subject to the vote of the Legislative Council. Taxation measures were always opposed, a position perhaps due largely to the Meston settlement and to a feeling in the Council that there was room for retrenchment, although they were repeatedly assured that every possible endeavour had been made by Government to effect retrenchment in every department. There was also a tendency at times to tie the hands of Government by appropriating revenues to specified purposes, while amendments were not infrequently moved out of communal considerations though these were confined to a few members of the Council only. There have been no occasions for judging the attitude of the Legislative Council towards legislation affecting law and order.

Control of the Secretary of State over the Local Governments

261. The control exercised by the Secretary of State under the existing constitution is threefold—administrative, financial and legislative. The more important features of the arrangement are briefly summarised below.

Under section 2 of the Government of India Act the Secretary of State has and may perform all such or the like powers and duties relating to the government or revenues of India and has all such or the like powers over all officers appointed or continued under the Act, as, if the Government of India Act, 1858, had not been passed, might or should have been exercised or performed by the East India Company, or by the Court of Directors or Court of Proprietors of that Company. In particular, the Secretary of State has, subject to the provisions of the Act or rules made thereunder, power to superintend, direct and control all acts, operations and concerns which relate to the government or revenues of India, and all grants of salaries, gratuities and allowances, and all other payments and charges out of or on the revenues of India. Under section 19-A, the Secretary of State in Council may, notwithstanding anything in the Act, by rule regulate the exercise of the powers of superintendence, direction and control, vested in the Secretary of State and the Secretary of State in Council by the Act or otherwise. Rules made under this section provide that the powers of superintendence, direction and control vested in the Secretary of State and the Secretary of State

(Reserved and Transferred Departments)

in Council under the Act or otherwise shall, in relation to transferred subjects, be exercised only for the following purposes, namely—

- (1) to safeguard the administration of central subjects ;
- (2) to decide questions arising between two provinces in cases where the provinces concerned fail to arrive at an agreement ;
- (3) to safeguard imperial interests ;
- (4) to determine the position of the Government of India in respect of questions arising between India and other parts of the British Empire ; and

(5) to safeguard the due exercise and performance of any powers and duties possessed by or imposed on the Secretary of State or the Secretary of State in Council under or in connection with or for the purposes of the following provisions of the Act, namely, section 29-A, section 30 (1-A), Part VII-A, or of any rules made by or with the sanction of the Secretary of State in Council.

On the reserved side, in theory and in law, the Secretary of State's powers of superintendence, direction and control are unrestricted. The Secretary of State in Council has the final voice on all matters relating to expenditure of Indian (central and provincial) revenues (section 21). By convention and rules however he exercises only certain powers over provincial expenditure, *e.g.*, his sanction is necessary to the creation or abolition of certain posts, increase in establishment above the prescribed limit, revision of permanent establishment, expenditure on large public works or projects, expenditure on account of the furniture or sumptuary grant to the Governor or on an original work on the residence of the Governor, etc. His sanction is also necessary to any measure resulting in an abandonment of revenue in which an important question of policy is involved.

The revenues of India are received for and in the name of His Majesty and may, subject to the provisions of the Act, be applied for the purposes of the government of India alone. The Secretary of State in Council may sell and dispose of any real or personal estate for the time being vested in His Majesty for the government of India and raise money on any such property (section 28). He may make any contract for the purposes of the Act (section 29). All contracts made by the Local Government are expressed to be made by the Secretary of State in Council only (section 30), and the Local Government has power to raise money on the security of revenues allocated to it under the Act on behalf and in the name of the Secretary of State in Council only. All suits by or against Government lie in the name of the Secretary of State in Council (section 31). The number of members of the Governor's Council is prescribed by the Secretary of State in Council [section 47 (1)], who has also power to revoke or suspend the Council [section 46 (3)]. Under section 96-B the Secretary of State in Council makes rules for regulating the classification of the Civil Services in India, the methods of their recruitment, their conditions of service, pay and allowances, discipline and conduct. For the purposes of these rules the services working under the administrative control of

(Reserved and Transferred Departments)

the Local Government are classified as All-India Services, Provincial Services, Specialist Services and Subordinate Services. This classification regulates the authority of the Local Government over them. Members of All-India Services may be awarded minor punishments by the Local Government, but their recruitment and control generally remain in the hands of the Secretary of State in Council. Over other services the Local Government exercises practically full authority. The Secretary of State in Council makes appointments to the Indian Civil Service and fixes the salaries, allowances, furloughs, retiring pensions, etc., of the Chief Justice and Judges of the High Court. Rule 12 of the Devolution Rules provides that a Local Government shall employ such number of Indian Medical Service officers in such appointments and on such terms and conditions as may be prescribed by the Secretary of State in Council. Section 129-A provides that where any matter is required to be prescribed or regulated by rules under this Act and no special provision is made as to the authority by whom the rules are to be made, the rules shall be made by the Governor General in Council with the sanction of the Secretary of State in Council and shall not be subject to repeal or alteration by the Indian Legislature or by any local legislature. Among the more important rules made in exercise of this power are: (1) the Local Government (Borrowing) Rules prescribing the purposes for which and the restrictions subject to which loans may be raised by the local Government, (2) the Devolution Rules prescribing the administrative and financial powers and functions of the local Government, (3) the Scheduled Taxes Rules prescribing the taxes which may be imposed by the local Legislative Council without the previous sanction of the Governor General, (4) the Local Legislatures (Previous Sanction) Rules prescribing the laws which cannot be repealed or altered by the local Legislature without previous sanction, (5) the Reservation of Bills Rules prescribing Bills which shall be reserved for the consideration of the Governor General before they are assented to by the Governor, (6) the Auditor-General's Rules prescribing the powers and duties, etc., of the Auditor-General, (7) the Electoral Rules for the nomination and election of members of the Bombay Legislative Council, and, so far as they apply to this Presidency, of the members of the Legislative Assembly and the Council of State, and (8) the Rules for regulating the course of business in the Bombay Legislative Council.

So far as this Presidency is concerned, the existing provisions have caused no inconvenience in practice. There has been only one instance in this Presidency in which the Secretary of State has, in the exercise of the powers vested in him under section 2 of the Act, overruled the decision of the local Government. The case related to the retirement of Mr. W. C. MacDonald, a former Deputy Commissioner of Excise. He had been *selected* in England by the Secretary of State in pre-Reform times as a Distillery Expert and was appointed by this Government. During the Reforms period, he worked as Deputy Commissioner of Excise, and the distilleries in the Presidency were under his supervision. With the purchase of the Nasik Acetone Factory by Government and

(Reserved Departments)

the manufacture of liquor by Government, his services were no longer required and he was made to retire on a compensatory pension of Rs. 5,000 a year admissible under the rules. Mr. MacDonald represented to the Secretary of State that he should be retained in service as he had been offered permanent and pensionable service in India and that it was on the strength of this assurance that he had resigned his post in the English Civil Service and accepted an appointment in India. The Secretary of State asked this Government to consider whether Mr. MacDonald should not be reinstated and added that alternatively he would find it necessary to consider whether a substantial increase of ordinary compensation for pension should not be given. A reply was asked for through the Government of India. In reply the Bombay Government explained that the post had been abolished as a measure of economy and as being no longer required, and it was added that this Government did not see the necessity of increasing the pension of Rs. 5,000 a year to which Mr. MacDonald was entitled under the rules. The Secretary of State did not agree and sanctioned an enhanced pension of Rs. 6,000 a year, which Mr. MacDonald would have earned if he had completed five years' additional service. No other case of this character has occurred.

*(B) Reserved Departments.**Working of the system of government in the Reserved Departments*

262. The working of the system of government in the Reserved Departments does not call for any lengthy remarks. The Reforms made no changes in the internal administration of these departments. The powers of the Governor with regard to them were what they had been before the Reforms. The Government of India and the Secretary of State have under the Reforms, as they had prior to them, unlimited powers of superintendence and control. During the whole period of the Reforms, no occasion has arisen for the exercise of the emergency powers vested in the Governor. The attitude which the Council has adopted towards the administration of these departments, in particular towards the administration of Law and Order and Land Revenue, has been dealt with in Chapter VIII. In this Chapter some remarks have been made on the division of subjects between the Central and Provincial Governments and on certain aspects of the work of the Reserved Departments which are of special importance. In the administration of the Home Department special difficulties were created by the Non-co-operation and Khilafat movements, which started in 1920, and which had an important effect on the constitution and working of the Councils which were created by the Reforms. Reference has also been made to other movements of a subversive character and to the attitude of the Press. The problem of the separation of judicial and executive functions which had always been a subject of discussion both in the Councils and outside even before the introduction of the Reforms, and which has been discussed in the Councils since the Reforms on more

WORKING OF THE
SYSTEM OF GOVERN-
MENT IN THE RE-
SERVED DEPART-
MENTS.

(Reserved Departments)

than one occasion, has been specially dealt with. Remarks have been made on the special position which the Finance Department has occupied under the Reforms system and its relation to other departments, and on the working of the Public Accounts and Finance Committees. An account has also been given of the effect which the Reforms have had on the Secretariat.

Division of subjects between the Central and Provincial Governments

263. No serious difficulties have arisen from the present division of subjects between the Central and Provincial Governments made by the Devolution Rules. Minor difficulties have arisen in connection with certain subjects, which are briefly referred to here. The position with regard to the subjects of Shipping and Navigation, Major Ports, Port Quarantine, and Lighthouses and Beacons, all of which are central subjects, has been explained in paragraph 252 when dealing with the question of the control of the Government of India over the local Government. The administration of Minor Ports is a provincial reserved subject, and has been entrusted to the Salt Department, which is paid for the work from local funds called the Northern and Southern Group Port Funds. These funds are accumulated mainly from port dues and are administered by the Collector of Salt Revenue, Bombay, as conservator of the minor ports. This branch of the administration has not undergone any material change since the Reforms. Under item 23, Part I of Schedule I to the Devolution Rules, the control of petroleum and explosives is a central subject. No staff is, however, employed by the Central Government in this Presidency for doing this work, and all work in connection with the issue of licenses for the possession and transport of petroleum and explosives and the inspection of petroleum and explosives depots is done by the officers of the local Government. In return for the services rendered by the local Government, it has been the practice so far to credit to provincial revenues the fees realised under the Indian Petroleum Act and the Indian Explosives Act, and the Government of India have hitherto acquiesced in this arrangement. They have, however, recently raised the question whether the existing procedure should not be replaced by one under which the receipts from fees for petroleum licenses should be credited to the Central Government, while payment in respect of services rendered by officers of the provincial Government should be made from central revenues. The Government of Bombay have pointed out in reply that it is not possible to give an accurate estimate of the cost of the agency work done by officers of the local Government, that so far as can be judged the amount received in the shape of fees by the Government of Bombay does not exceed the cost of control, and that the existing practice should be continued, unless the Government of India propose to raise the fees levied under the Indian Explosives and the Indian Petroleum Acts, so as to yield revenue after deducting the cost of control.

DIVISION OF SUB-
JECTS BETWEEN
THE CENTRAL AND
PROVINCIAL GOVERN-
MENTS.

(Reserved Departments)

They have also pointed out that some of the fees under the Explosives Act are recovered in the form of stamps, and that revenue on account of stamps has been already allotted to the local Government under the Devolution Rules, irrespective of the question of the cost of the agency work done by the local Government's officers. The final decision of the Government of India has not yet been communicated, but any alteration in the existing procedure of crediting the fees to the provincial Government or of recovering them in the shape of stamps is likely to affect the Government of Bombay adversely.

264. Under item 25, in part II of Schedule I to the Devolution Rules, **DEVELOPMENT OF INDUSTRIES.** Development of Industries is a provincial transferred subject, while under item 20, in Part I of the same Schedule, Development of Industries in cases where such development by central authority is declared by order of the Governor General in Council to be expedient in the public interest, is a central subject. The present position is that although the Government of India benefit directly by the establishment of any large industry in the shape of increased income tax returns, the work of supporting such industries pecuniarily or otherwise is generally left entirely to the local Government, on the ground that development of industries is a provincial transferred subject. In a recent case connected with the establishment of an up-to-date bleaching and dyeing factory in Bombay, the Government of India, while recommending the scheme for the favourable consideration of the Bombay Government, stated that they could not hold out hopes of any contribution from central revenues in support of the scheme. It seems desirable that the obligations of the Government of India in regard to the development of industries should be laid down more definitely than at present. It would neither be feasible nor desirable on economic grounds for any single local Government to entertain the costly technical staff necessary for the proper development of the various industries in the provinces. The only solution seems to be for the Government of India to maintain a central staff of experts in each important branch of industry, and to place the services of such staff at the disposal of local Governments, either free of charge or for the payment of a nominal sum to cover the cost of travelling allowances, etc.

Separation of Executive and Judicial functions

265. The question of the separation of executive and judicial functions is one of long standing. It has from time to time received the attention of political bodies and the Press and the consideration of Government. The question, it would appear, first attracted attention in Bengal, where revenue officers were less intimately in touch with the people owing to the peculiarities of the Land Settlement of that Province and relied much more largely on the Police than they ever have in Bombay for their information in all Departments of Government; and it was only subsequently that the proposed

**SEPARATION OF
EXECUTIVE AND JUDICIAL
FUNCTIONS.**

(Reserved Departments)

separation was urged in the substantially different political situation in Bombay, Madras and Southern India. The Indian National Congress made the question a plank in their political platform in 1886, and it has remained so ever since. The Resolution on the subject passed by the Congress in 1886 recorded "an expression of the universal conviction that a *complete* separation of executive and judicial functions has become an urgent necessity" and urged the Government of India "to effect this separation without further delay."

266. The law imposes upon revenue officers, *qua* Magistrates, several functions. Some of these are purely judicial, *e.g.*, those concerned with the actual trial of cases; while others although exercised by them *as Magistrates* are more appropriately *quasi-judicial* or *quasi-police*, *e.g.*, powers connected with the prevention of offences and the maintenance of peace and order. These preventive powers of the Revenue Magistrate, who is charged with the responsibility for maintaining public peace and order, are, in essence, more executive than judicial, and they cannot obviously be surrendered whatever decision may be come to as regards the really judicial powers dealing with the actual trial of cases, since for the proper exercise of such powers what is wanted is not so much judicial training and experience as a close acquaintance with the habits of the people, local conditions of the place, usages prevailing therein, etc., and such knowledge can only be acquired by executive officers who tour about the country and move among the people. In fact, the committees appointed in recent years by the Legislatures of several Provinces, *e.g.*, Bengal, Bihar and Orissa, United Provinces and Madras to consider the question, are all agreed that these preventive powers should not be withdrawn from the Executive officers.

As regards the purely judicial duties of the revenue officers, it would make for a better appreciation of the situation if the judicial system as a whole for the trial of offences were briefly described. It provides for the trial of minor offences by Subordinate Revenue Magistrates exercising second and third class powers, aided in some cases by Honorary Magistrates, sitting singly or in Benches, and exercising those powers. They are all subject to supervision by Sub-Divisional and District Magistrates, who are also executive officers. There are a few Honorary Magistrates exercising first class powers either singly or in Benches. At some important centres Resident and City Magistrates with first class powers are stationed and these, though employed solely on judicial duties, are at present recruited from the Revenue Department. All the Magistrates in the district are subordinate to the District Magistrate and the District Magistrate and all Magistrates exercising first class powers, whether stipendiary or honorary, are subject to the appellate and revisional jurisdiction of the Sessions Court and the High Court. The most serious offences are tried by the Sessions Court, *i.e.*, by Assistant Sessions Judges, Additional Sessions Judges or Sessions Judges, who are all solely employed on judicial duties, and they are subject to

(Reserved Departments)

the appellate and revisional jurisdiction of the High Court, appeals against the decisions of the Assistant Sessions Judges in some cases lying also to Sessions Judges.

267. The Royal Commission on Decentralisation in 1909 did not

THE ROYAL COM-
MISSION ON DECENT-
RALISATION AGREED
AS TO MAGISTRATES'
RESPONSIBILITY FOR
CRIMINAL ADMINISTRA-
TION.

specifically deal with this question, but remarked that the control of the District Magistrate over the Police for general purposes should be absolute and that there should be no room for doubt *as to his full responsibility for the criminal administration of the district.*

268. The question has also engaged the attention of the Bombay

DISCUSSION IN THE
LOCAL LEGISLATIVE
COUNCIL.

Legislative Council both before and after the Reforms. There has scarcely been a Session of the Council in recent years at which a resolution in respect of it has not been tabled for discussion or

a question has not been asked on the subject.

The question came up for discussion for the first time in 1893 when at the Sessions held in July the Honourable Sir (then Mr.) Pheroze Shah Mehta suggested a scheme indicating the lines on which the separation of the two functions could be effected. He wanted to increase the number of Subordinate Judges in a district by a certain number, say, one or two, and to distribute the whole civil and criminal work of the district between them, reducing the number of Mamlatdars by a corresponding number, and entrusting them only with revenue work by a reorganisation of the talukas in the district. The suggestion was not accepted by Government. On the 15th August 1894 the Honourable Sir Pheroze Shah asked for a committee for the purpose of considering the feasibility of his proposal in some one particular district. This proposal too was not accepted. The question was revived in January 1921 immediately after the initiation of the Reforms, but the resolution on the subject was not reached. A similar resolution was, however, adopted in September 1921 in the Legislative Assembly. In forwarding copies of the resolution to Local Governments and Administrations, the Government of India remarked that in the course of the debates on the resolution it was explained that the subject was a provincial one, and that the Government of India were not prepared to ask Local Governments to submit schemes for separation which they might not have the funds to finance, but that, if any Local Government decided to take up the question and submitted proposals for separation, the Government of India would be prepared to proceed with the legislation necessary to carry the scheme into operation. On the 1st October 1921 a resolution was moved in the Legislative Council, proposing to effect the separation by the appointment of Resident Magistrates and by giving magisterial powers to Subordinate Judges. The mover of the resolution, however, gave way to a general motion for an inquiry into the question which was proposed by another Member. Government promised to consider the matter, but opposed the motion.

(Reserved Departments)

The voting resulted in a tie, 36 voting for and 36 against the resolution, the latter including non-Brahmins and Sindhis, and on the Home Member promising to make a further statement in the matter during the next Session of the Council, the motion was rejected by the casting vote of the President.

In the next Session of the Council (February-March 1922) the Home Member made a statement on the subject while referring to the provision for Resident and City Magistrates in his speech on the budget dealing with the Administration of Justice. He told the Council that he had considered the matter carefully; and, while regretting that the state of the finances was not propitious for any scheme involving extra expenditure being undertaken, outlined the scheme which had suggested itself to him as one which should be considered with the return of better times and which he had laid before his colleagues on the Executive Council. The scheme, in brief, consisted in (1) creating a lower grade at the bottom of the grades of Subordinate Judges to provide full-time Magistrates, (2) utilising the services of lightly-worked Subordinate Judges as part-time Magistrates at their stations in relief of low-paid second and third class Magistrates whose work gave ground for dissatisfaction, and (3) in retaining for Sub-Divisional and District Magistrates executive magisterial powers required for the maintenance of law and order, and also real magisterial powers to provide for occasions of stress when special Magistrates were required or for the trial of cases of special importance. The Home Member remarked that the scheme raised an important question of principle; that while, on the one hand, there was much to be said in favour of handing over the ordinary magisterial work to Subordinate Judges, on the other, there was an important body of opinion strongly against the proposal on the ground that Subordinate Judges, who are restricted to station life, are not in such close touch with the life of the people as are the executive officers who are constantly touring among them; and that, in the circumstances, Government wished to obtain a distinct opinion on it from the Council before committing themselves to a definite policy in the matter. In order to gauge the strength of non-official opinion in the matter, it was decided that officials or Members or Ministers of Government should not vote on the question, though they were allowed to express their views freely on the subject. A member was thereupon permitted in March 1922 to move a resolution proposing the recruitment of Resident Magistrates from Subordinate Judges and the transfer of some magisterial work to Subordinate Judges not fully occupied with civil litigation. The resolution was fully discussed, and officials took part in the discussion. The General Member (Sir Chimanlal Setalvad) supported the resolution, and the Finance Member (Sir H. S. Lawrence) opposed it. The resolution was also opposed by the non-Brahmins, but it was carried by 25 votes to 19. There has been no discussion in the Legislative Council since then. Notices of resolutions on the subject have been received since then, but as a result of the ballot system, none of them has so far been reached for discussion.

(Reserved Departments)

269. The grounds advanced for the separation by political bodies and the Press, and those urged by Government in favour of the existing system may now be stated. The present system has generally been attacked on four grounds. It has been attacked mainly on the ground that the prosecutor ought not to be the judge. It has been stated that the combination of functions has resulted in a want of public confidence in the administration of justice in the Magistrates' courts, and it has been argued that whereas a judicial officer ought to be thoroughly impartial and approach the consideration of a case without previous knowledge of the facts, it is difficult for a Magistrate who has executive duties to perform to try a case with a detached outlook. It has been urged that even where the revenue officer is not technically the prosecutor, his interest in the maintenance of law and order prevents him from observing strict impartiality as a Magistrate in criminal matters. This objection loses its force when it is remembered that these officers (*i.e.*, revenue Magistrates) have no direct concern in the detection or prosecution of offences. Their authority over the police is derived from the Criminal Procedure Code and from Local Police Acts. Under Section 13 of Bombay Act IV of 1890 the District Magistrate is invested with 'command and control' over the police force of his district. This command and control is exercised for administrative purposes alone. It does not imply that the District Magistrate takes part in the investigation of offences, nor, as a matter of fact, is this the case. The Subordinate Magistrates have no share in this command and control. Under the Criminal Procedure Code, District Magistrates have powers for the prevention of offences and the preservation of order. It has also been urged that officers who are responsible for the collection of revenue cannot safely be entrusted as Magistrates with the work of dealing with prosecutions under fiscal Acts. In answering this charge the Government of Bombay in their letter to the Government of India of 1900 stated as follows :—

"Judged by general principles the argument is sound; but it is nevertheless fallacious because it is based on an entirely false conception of the attitude of District officers in the Presidency towards matters connected with the revenue. The District officers are generally devoted to the interests of the people who are committed to their charge; and their devotion has frequently carried them to extreme lengths in opposing measures which in their opinion press hardly on the people. There have been no more outspoken critics of land revenue settlements and forest settlements, and their voice has generally been raised in favour of moderate assessments and extended privileges. It is not to be believed that officers who show this spirit in revenue matters with which they are closely concerned would show partiality as Magistrates in dealing with cases relating to the Customs and Salt Revenue with which they have nothing to do, or the Opium and Abkari Revenue, for which a separate Department is directly responsible."

The advocates of the separation of functions next complain about the inefficiency of Magistrates owing to want of judicial training. They urge that the judicial officer should be an expert specially educated and trained for the work of the court. As to this, it has been maintained that the most valuable part of a Magistrate's training is that which brings him into daily contact with the people in all the affairs of life, and that a profound knowledge of legal subtleties is of much less importance than

(Reserved Departments)

a knowledge of the manners, customs and thoughts of the people. It is also urged that the existing system causes hardship and inconvenience to parties and witnesses who have to attend at the courts of Magistrates on tours. As a reply to this charge, it has been stated that if the system sometimes causes inconvenience, it often has the opposite effect; and that if in some cases witnesses going to a Magistrate's camp have a greater distance to travel than if they had to attend a fixed court at the headquarters of the district or taluka, in others the court is brought close to their homes. Much depends on the way in which an officer arranges his tour programme, and a considerate Magistrate, when trying a case in which there are many witnesses, will doubtless endeavour to fix his camp so as to suit the convenience of the majority. It is probable that the 'tour argument' is stressed more by lawyers than by parties and witnesses. Lastly, it has also been urged that the union of functions results in delays in the administration of justice owing to the pressure of other work. This, it may be observed, is not an inherent defect in the present system and may be cured without having recourse to separation. It has, however, been remarked in this connection that "if regard be had to the infinitely greater delays which occur in the Subordinate Civil Courts, it may greatly be doubted whether any improvement would result from the establishment of an entirely separate system of Magistrates' courts. The defect, where it exists, can be cured by the employment of more officers, when required, and by stricter supervision on the part of the superior courts when the number of officers is already sufficient."

There is another important point which is not generally realised by the advocates of separation, and that is the imperative necessity of systematic supervision in order to secure speedy and impartial justice and effective protection for the people from the Subordinate Magistrates. In dealing with this aspect of the question, Sir Maurice Hayward, Home Member of the Bombay Government, stated in 1922 :

"The duties of the superior revenue officers take them regularly on systematic tours among the people and no other officers are in nearly so good a position to be vested with the necessary magisterial powers for the superintendence and inspection of the work of the Subordinate Magistrates. If the duty is to be effectively performed, it must in my opinion be left in the hands of the superior revenue officers as Sub-Divisional and District Magistrates. It would be idle to hope that it would effectively be performed by the superior judicial officers even with the extra expense of some 5 lakhs of rupees for the extra staff of Additional Judges to help the Sessions Judges and the extra staff which would be required in the High Court. The Additional Sessions Judges and Sessions Judges would have little inclination for this work. It has been found by experience difficult enough to get them effectively to superintend the establishments and distribution of the work and to perform the periodical inspections of their Subordinate Civil Courts. It would be hopeless to expect them even with the extra staff to undertake with the required zeal the superintendence of the establishments and the detailed distribution of the work and the periodical inspections of the Subordinate Magistrates' Courts. Nor would it in my opinion be a practicable proposition to transfer to the High Court the powers of appointment and supervision at present vested in Government."

From the point of view of finance the question is also open to serious objections. A complete divorce of executive and judicial functions would on financial reasons alone be impossible. The cost would, at a rough and conservative estimate, run into something like Rs. 15 lakhs a year, or more.

FINANCE.

(Reserved Departments)

270. The question was considered by the Government of Bombay for the first time in 1893 in connection with Sir Pherozeshah Mehta's scheme referred to above, and as already noted, Government opposed it. In 1894 they opposed his suggestion to try the scheme in a particular district. The question was again considered in 1896-97 as a result of a minute recorded by the Honourable Mr. Birdwood on a note received from the Private Secretary to His Excellency the Governor of Madras regarding the scheme of stationary subordinate magistrates in the Madras Presidency. It was next considered in 1900 when a memorial signed by ten gentlemen, seven of whom had held high judicial offices in India, and addressed to the Secretary of State for India, was received from the Government of India for the opinion of the Bombay Government. The question was very thoroughly gone into on both the occasions, and the conclusions at which the Bombay Government arrived were :

(1) that in the Bombay Presidency no abuses had resulted from the present system and that there was no practical evil to be remedied ;

(2) that if in other parts of India, where a similar system obtained, abuses had occurred, experience in the Bombay Presidency had proved that such abuses were not the necessary result of the system, but were due to faulty administration ; and

(3) that the present system possessed great advantages, some or all of which would be lost under any other system which could be adopted, and that no change was necessary or desirable.

In the reply to the Government of India it was also remarked that the system strengthened the British rule in India, secured the people against oppression on the part of subordinate officials and conduced to the harmonious working of all branches of the administration.

In 1907 the Government of India inquired about the exact degree of control or influence which the executive could then exercise directly or indirectly over judicial officers in Bombay and of the changes which had been made in the direction of freeing judicial officers from such influence or control. The reply from this presidency was that members of the Judicial Department proper, from a High Court Judge to the lowest Subordinate Judge, were perfectly independent of the executive, and that as regards executive officers exercising magisterial functions cases were unknown in which an endeavour was made by an officer in the exercise of his executive functions to interfere with the judicial discretion of a magistrate who might in his executive capacity be subordinate to him. Appointments of honorary and resident magistrates and the investiture of some subordinate judges with magisterial powers in addition to their own duties during the stress of famine operations were indicated as some of the measures undertaken in the direction of freeing judicial officers from executive influence or control, and it was repeated that no serious abuses had resulted from the system of combining the two functions in one officer.

(Reserved Departments)

In April 1911 the Government of India forwarded copies of a correspondence between themselves and the Secretary of State for India and the Government of Bengal from which it appears that in July 1910 the Government of India submitted to the Secretary of State for India a scheme, the general principles underlying which were that the trial of offences and the control of magistrates who try them should never devolve on officers who had any connection with the police or with executive duties, while on the other hand the prevention of crime should be a function of the district officer and his executive subordinates who were responsible for the peace of the district. The intention was to introduce the scheme at first in Bengal, and it was stated that the scheme might probably have to be extended to other provinces. In forwarding the correspondence the Government of India inquired whether the sub-divisional system should be left untouched. In informing the Government of India that they were strongly opposed to relieving sub-divisional magistrates of their executive functions just as they were to relieving district magistrates of theirs, the Government of Bombay took the opportunity to demur emphatically to the proposition that because the circumstances of a single province possessing such special and peculiar characteristics as Bengal might require an administrative change, it must therefore be for the sake of uniformity applied to every other part of India, no matter how different or remote, and in the face of the carefully considered and contrary opinion of its Government.

Nothing further was heard on the subject till 1914 when the Government of India did not refer to the question of complete separation, but only to one aspect of it. They wanted the opinion of the Government of Bombay on a proposal to transfer to the Sessions Court the appellate powers exercised by district magistrates and specially empowered magistrates of the first class under section 407 of the Criminal Procedure Code over the decisions of second and third class magistrates. They wished the High Court, the Court of the Judicial Commissioner of Sind and selected magisterial and judicial officers of experience to be consulted. The Government of India were informed that the Bombay Government were not in favour of the proposal and that the great majority of the officers and authorities consulted including the High Court and the Judicial Commissioner of Sind were also opposed to it. The Government of India were also informed that the proposal would cost the Government of Bombay Rs. 30,000 per annum, and that the cost would be reduced by one-third if appeals from second class magistrates only were transferred to the Sessions Court and those from third class magistrates retained by district magistrates and specially empowered first class magistrates.

The nature of the discussion on the subject in the Legislative Council during the years 1921 and 1922, and the attitude of Government in the matter during that discussion have already been indicated. Further consideration was given to the question after the Resolution proposing the recruitment of resident magistrates from subordinate judges and the transfer of some magisterial work to subordinate judges not fully occupied

(Reserved Departments)

with Civil litigation was carried in the Legislative Council in March 1922 by 25 votes to 19.

In April 1922 enquiries were made as to the practical possibility of selecting a few subordinate judges to fill some of the then existing posts of resident magistrates and also as to the practicability of transferring other magisterial work to lightly worked subordinate judges. It turned out, however, impracticable to take any steps in the matter as financial stringency not only precluded any increase, but, in fact, necessitated a reduction in the numbers of resident magistrates.

The reports submitted by the committees appointed by the legislatures of Bengal, Bihar and Orissa, the United Provinces and Madras to examine the question were also considered. They all favoured the retention by revenue officers, as district magistrates, of certain executive magisterial powers required for the maintenance of law and order. Excepting the Madras Committee, the other three held the desirability or otherwise of separation to be outside their purview. The committee at Madras considered this point, and the members were divided on it. The desirability of separation was favoured by the majority but strongly opposed by the minority, who submitted a minority report. The cost was estimated by the majority at 3 lakhs of rupees and by the minority at 11 lakhs. The scheme provided for complete separation of revenue and judicial officers, and relied largely on an increase in benches of honorary magistrates. The following extract from Sir Maurice Hayward's minute of 3rd October 1925. will indicate the further consideration given to the matter :—

"It seemed to me desirable therefore for us definitely to settle our policy in this matter and I called for certain information in my minute of the 3rd of July 1923 with a view to creating a cadre of City, Cantonment and Resident Magistrates for special recruitment for magisterial work. After some of the required information had been obtained, a circular letter of the 24th of April 1924 was sent to District Magistrates requesting them to state whether it would be possible to effect any savings in their revenue establishment if the magisterial work were transferred to a special staff of resident magistrates with the help of an increased number of honorary and bench magistrates. They were requested to give details of the magisterial work, estimates of the required number of extra resident magistrates and the possibility of increasing the number of honorary and bench magistrates. The Commissioners also were asked to give their opinions on these questions and replies were not fully received until October 1924. A summary of the replies has been prepared and also a table of the magisterial work. The gist is that it will not be practicably possible to reduce revenue establishments, that it will not be possible to provide for magisterial work without great inconvenience to the public except by stationing resident magistrates in every taluka town, that it would not be possible to increase but there was rather a necessity of decreasing the numbers of honorary and bench magistrates and that special arrangements would be necessary for the appellate and revisional powers and the work of supervision at present performed by sub-divisional and district magistrates, apart altogether from the executive magisterial powers required to be retained for the maintenance of law and order by the District Magistrate.

"Meanwhile notices of resolutions were received from Messrs. Narielvala and Pahalajani for the abolition of the system of honorary magistrates respectively in the Presidency proper and in Sind. Mr. Narielvala's resolution was not moved, but Mr. Pahalajani's was moved on the 1st of August 1924 and he made the most of the unfavourable reports on honorary magistrates which he had learnt had been received from the district magistrates in Sind. The resolution was opposed, but it was only possible in view of the nature of the reports received to plead for time for enquiry into the matter. The motion was thereupon withdrawn and enquiry was impliedly promised

(Reserved Departments)

both in respect of the Presidency proper and Sind. A special report on the subject was thereupon requested from the Honourable Mr. Justice Kincaid, who was about to proceed on a tour of inspection in the Presidency proper and a detailed report was required from the district magistrates upon the working of the honorary bench magistrates in Sind as well as on the honorary special magistrates, with an estimate of the extra expense which would be entailed if their work were transferred to stipendiary magistrates in Sind. A special report was submitted on the 27th of February 1925 by Mr. Justice Kincaid and the Commissioner in Sind submitted the reports of the district magistrates on the 4th of March 1925 in respect of the honorary magistrates in Sind. The substance of the report of Mr. Justice Kincaid was that there was no necessity to abolish honorary bench magistrates, but that it would be well to restrict them to 2nd class powers and simple offences under the Municipal and District Police Acts and that only in exceptional cases should gentlemen other than retired stipendiary magistrates be appointed to sit singly as honorary magistrates. The substance of the report of the Commissioner in Sind was that the strictures which had been passed were generally justified in respect of rural benches of honorary magistrates but that their work had reached a high standard of efficiency in the cities of Hyderabad and Karachi. He recommended the restriction of their work to simple offences under local laws and the exclusion from their jurisdiction of all offences under the Indian Penal Code. He recommended the reduction of those which would thus not have sufficient work and the re-establishment of the posts of resident magistrates which had been reduced under financial stringency in Sind.

"Mr. Shivdasani has since persistently tabled resolutions for the separation of revenue and judicial officers, but so far the resolution has not been moved in the Legislative Council.

"The committees appointed in Bengal, Bihar and Orissa and United Provinces did not discuss the desirability of complete separation of executive from judicial functions. The conditions they dealt with were moreover different in material particulars from those existing in Bombay and Madras. It is not in my opinion therefore possible to give any particular weight to their reports in discussing the question as it relates to Bombay. The conditions here are much more akin to those in Madras, but a strong opinion was there expressed by the minority against the proposed separation and the estimated expenses would be proportionately higher here in view of the reports recently received unfavourable to the extension in Bombay of the system of benches of honorary magistrates which was to be the main plank in the scheme for separation suggested in Madras. The conclusion at which I have arrived after considering all the reports, is that the complete separation of executive from judicial functions is neither necessary from the point of view of expediency nor a practicable proposition from the point of view of expense in Bombay any more than in Madras."

The Government of India have only very recently announced a departure from their policy of 1921. As stated above, in forwarding a copy of a Resolution on the subject adopted in the Legislative Assembly in 1921, the Government of India had remarked that the subject was a provincial one, that the Government of India were not prepared to ask local Governments to submit schemes for separation which they might not have the funds to finance, but that, if any local Government decided to take up the question and submitted proposals for separation, the Government of India would be prepared to proceed with the legislation necessary to carry the scheme into operation. They have now stated that the Secretary of State has emphasized the desirability of maintaining uniformity in drawing up any scheme for the separation of judicial and executive functions and has suggested that the Government of India should consider and co-ordinate the various proposals from the local Governments and place a co-ordinated measure before the Indian Legislature. They add that the Secretary of State has been addressed on the subject, and that on receipt of his reply they propose to consult local Governments in the matter, but that in the meantime local Governments should not proceed with any scheme that may be under their consideration.

*(Reserved Departments)**The Position of the Finance Department and its relation to other departments*

271. Before the Reforms, the Government of India exercised stringent control over Provincial Finances. The Budget estimates of the provincial Governments had to be submitted to the Government of India for sanction and a number of other rules of budget procedure had to be observed. The provincial Governments could not impose any additional taxation, or make any change in the existing system of revenue management, nor could they reduce or give up any source of revenue. More stringent and detailed restrictions were placed upon the provincial Governments' powers of expenditure by the various Codes and Standing Orders. Provincial Governments had no power to borrow money nor had they any control over their balances. Apart from these specific limitations, it was provided that the power of supervision and control vested in the Governor General in Council and the Provincial Governments had to keep him fully informed of their executive and financial proceedings so as to enable him to discharge his responsibility for the good government of India as a whole. The effect of all these restrictions was that in financial matters provincial Governments had very little freedom and were more or less completely under the Finance Department of the Government of India. The authors of the Joint Report realised that if any progress towards provincial autonomy was to be made it was essential to give the provinces "the largest measure of financial independence of the Government of India which is compatible with the due discharge by the latter of its own responsibilities." The Government of India were in full accord with this principle and recognised that they would no longer be required to watch the financial proceedings of local Governments in detail, or to enforce from day to day measures which they considered necessary to keep the finances of the provinces in a healthy condition. They therefore recommended a withdrawal of the restrictions imposed by the various Codes and Standing Orders and the grant of financial freedom to the provinces in most matters. The withdrawal of the Government of India's control over provincial finances was coupled with the institution of an agency for internal control such as is exercised in every Government by the treasury or a similar department. This was done by imposing certain duties and functions by Statutory Rules on the provincial Finance

FUNCTIONS OF THE
FINANCE DEPARTMENT.

272. The functions of the Finance Department may be classified under four heads :—

- (i) Budget control,
- (ii) Control over expenditure,
- (iii) Control over revenue and taxation,
- (iv) Control over other financial matters, e.g., loans, pure finance,

*(Reserved Departments)**(i) Budget Control.*

The Finance Department exercises control over the finances of the local Government by supervising the preparation of the budget of the province. Under Devolution Rule 37 (f), the Finance Department has to prepare an estimate of the total receipts and disbursements of the province in each year and it is responsible during the year for watching the state of the local Government's finances. Under clause (g) of the same rule, the Finance Department has to prepare the statement of estimated revenue and expenditure which is laid before the Legislative Council every year and any supplementary estimates of demands for excess grants are also to be submitted by the Finance Department to the vote of the Council. In preparing these estimates the Finance Department has the power to obtain from the departments concerned the material on which it has based its estimates. It has also to examine and advise on all schemes of new expenditure for which it is proposed to make provision in the estimates and it can decline to provide for any scheme which has not been so examined. The Department has thus great powers as regards the preparation of the budget. It can fix the grant which a department should ask from the Council and all new proposals for expenditure must be previously referred to it for examination before they are included in the budget. The control exercised by the Finance Department as regards the budget will be apparent from an examination of the procedure laid down by that department for the preparation of the budget. The Finance Department has ruled that each year the estimates should be prepared in four parts. Part I should refer to sanctioned charges, such as, permanent establishments which do not vary from year to year. This budget is scrutinised by the Accountant General and is not referred to the Finance Department at all unless some deviation from the normal is to be introduced. Part II, section A, should consist of charges which fluctuate from year to year and are therefore to be scrutinised by Government before they can go into the budget. These are sent to the Accountant General through the Finance Department. Part II, section B, should contain such new items as have already been administratively approved by Government. Any other schemes which have yet to receive administrative approval, but which in the opinion of the officer concerned should be included in the budget, should be entered in Part II, section (C). Thus, the Finance Department scrutinizes the fluctuating charges (Part II-A) and enters the figure for each item as it thinks adequate judging from the material supplied by the departments concerned. Sections (B) and (C) refer mainly to new items. Devolution Rule 37 (a) (iii) insists upon an examination of all schemes of new expenditure by the Finance Department before they are entered in the budget. Under this Rule the Finance Department insists upon previous reference and sanction of any new scheme for expenditure proposed by any department. No scheme which has not been so examined is allowed to be entered in the budget unless in very exceptional

(Reserved Departments)

circumstances. In order to avoid excessive references to the Finance Department for petty proposals, however, it has been laid down by Finance Department Circular 1719 of 14th December 1923 that the administrative Departments can approve administratively any scheme involving the construction of buildings, roads, etc., costing less than Rs. 5,000. As regards irrigation works, the limit set is Rs. 50,000. Administrative approval can also be given without previous reference to the Finance Department to buildings which follow, without material deviation, type plans which have been approved by Government. Excepting these cases, all new schemes for the construction or maintenance of buildings, roads, bridges or irrigation works must be referred to the Finance Department for examination. The administrative approval of the Finance Department does not however mean that the item can be entered in the budget without further reference. The administrative sanction of Government to a scheme only means that the scheme has been approved by Government as a fit one to be taken up *when funds are available*. After the administrative sanction has been given, the item can be included in Part II-B of the budget estimates. Whether it will be included in the budget or not depends on the general financial conditions and the urgency of the scheme. The Finance Department thus exercises a very real power as far as the preparation of the budget is concerned. In the last resort, an administrative department can appeal to Government and Government can override the decision of the Finance Department. But except in such cases, the Finance Department has complete power to refuse the inclusion of any item of expenditure in the budget.

(ii) Control over expenditure.

The Finance Department has been given certain powers to control and supervise the expenditure of other departments. Under Devolution Rule 40, no department can add or reduce any post in the public services of the province without the previous sanction of the Finance Department. Sanction is also required for varying the emoluments of any post. Devolution Rule 41 lays down that no allowance and no special or personal pay can be sanctioned for any post without previous consultation with the Finance Department. The idea underlying these rules is that no department should be able to increase the posts under it to an extravagant extent. There are few greater dangers to the country than the unchallenged growth of the number of functionaries. And in particular there are few occasions on which an executive based on a popular assembly is more vulnerable than when it is pressed to add to the list of appointments paid from the public exchequer. A strong Finance Department is a powerful safeguard against these influences. Previous consultation with the Finance Department ensures an impartial examination of any such proposal and is likely to be a check on the tendency to create posts extravagantly. Because of these powers the Finance Department fixes the grades of pay and the conditions of service of all the provincial and subordinate services. Conditions of service, leave, allowances, etc., are determined by general rules which are now under the control of the

(Reserved Departments)

Finance Department. Before the Delegation Rules came into operation, the power of the Finance Department to fix conditions of service was limited by the Fundamental Rules. But since then the power has been completely given to the local Government as far as new entrants are concerned and the Finance Department exercises that power and is at present preparing Manuals of Rules for the future provincial and subordinate services. As regards the all-India services, though the Finance Department has not the ultimate control over these services, all matters pertaining to them are dealt with in the Finance Department.

Another item of expenditure on which the advice of the Finance Department is sought is as regards sanctioning grants-in-aid to local bodies. When grants-in-aid are fixed by any department, the Finance Department has to see that they are not excessive and that Government can in the circumstances afford to pay the grants.

The Finance Department has also power to supervise and sanction expenditure not included in the budget estimates. Devolution Rule 38 lays down that after grants have been voted by the Legislative Council, the Finance Department shall have power to sanction any re-appropriation within a grant from one major, minor or subordinate head to another. The Member or Minister in charge of a department has the power to sanction re-appropriation within a grant between heads subordinate to a minor head which does not involve undertaking a recurring liability. A copy of any such order sanctioning re-appropriation has to be communicated to the Finance Department. Only the Finance Department can delegate the powers of re-appropriation of the Members and Ministers to authorities subordinate to them. No department can thus undertake a recurring liability without the previous consent of the Finance Department. Any such item which is sanctioned by the Finance Department is brought to the notice of the Legislative Council by that department in the statement of new items sanctioned by the Finance Department. In other words, no new expenditure of a recurring nature can be undertaken by Government without the cognizance of the Legislative Council. As regards other items, the Finance Department can sanction expenditure by re-appropriation within a grant from one minor or major head to another. The Finance Department has no power to sanction re-appropriation from one grant to another. These rules about re-appropriation are prescribed in order to ensure that the intentions of the Legislature are not seriously infringed by departments without the knowledge of the Finance Department which is responsible for interpreting those intentions. The Finance Department is responsible to the Public Accounts Committee for seeing that no new service which has not been voted by the Legislative Council is undertaken by this method of re-appropriation. All re-appropriations therefore have to be supervised, if not sanctioned, by the Finance Department.

Another aspect of control of expenditure is the insistence on regularity of expenditure. This function is also assigned to the Finance Department by the Devolution Rules. Devolution Rule 37 (e) states that the Finance

(Reserved Departments)

Department shall be responsible for seeing that proper financial rules are framed for the guidance of other departments and that suitable accounts are maintained by other departments and establishments subordinate to them. The function of framing proper financial rules is being carried out by the Finance Department by the issuing of financial manuals, like Treasury Orders, Standing Orders and a Book of Financial Powers which it is proposed to issue. As regards other functions imposed by this clause, account procedure is at present controlled by the Accountant General and the Auditor General. But it is the Finance Department's duty to see that proper accounts are kept by other departments and questions of accounts are always referred to the Finance Department. A further duty which is also necessary to ensure the regularity of expenditure has been assigned to the Finance Department under clause (h) of Devolution Rule 37. The clause states that on receipt of a report from an Audit Officer to the effect that expenditure for which there is no sufficient sanction is being incurred, the Finance Department shall require steps to be taken to obtain sanction or to see that the expenditure shall immediately cease. Here again the Finance Department is supposed to help audit by insisting on regular expenditure. Analogous to this is clause (i) of Devolution Rule 37 which provides that the Finance Department shall lay the audit and appropriation reports before the Committee on Public Accounts and shall bring to the notice of the Committee all expenditure which has not been duly authorised and any financial irregularities.

(iii) Control over Revenue and Taxation.

Under clause (e) of Devolution Rule 37, the Finance Department is required to examine and report on all proposals for the increase or reduction of taxation. Under Devolution Rule 37 (j), the Finance Department advises departments responsible for the collection of revenue regarding the progress of collection and the methods of collection employed. Previous sanction of the Finance Department is necessary under Devolution Rule 43 for any proposal involving an abandonment of revenue. Minor proposals such as those for grants of land or assignment of land revenue, as well as for grants of mineral or forest rights, are supervised by the Finance Department under Devolution Rule 42, as such grants are likely to affect the revenues of Government. Powers under this head of revenue and taxation are assigned to the Finance Department in order to enable it to safeguard the general financial position of the province and to ensure that no proposal which affects the revenue of the province is introduced unless its financial effects on Government are examined by a competent authority.

(iv) Control over other financial matters like loans, pure finance, etc.

The Finance Department has been given other functions which again proceed from its main function of being responsible for the finances of the Government. The most important of these functions is the management

(Reserved Departments)

of loan transactions and of work connected with the service of the debt of the province. This has been assigned to the Finance Department under Devolution Rule 37 (a) and (d). A similar function, that of the management of the Famine Insurance Fund, has also been assigned to the Finance Department under Devolution Rule 37 (b). Apart from this statutory power, the Finance Department has to advise other departments on questions of general finance. Being in charge of the financial affairs of the province, it has to keep in touch with any circumstances likely to affect the financial position of the Government or the business life of the province. Thus, in 1923-24 the Finance Department carried out an enquiry into the working of the Bombay Share Bazaar in the interests of the business life of the province. It has also to see and examine the effect of its own policy on business, *e.g.*, the effect of the loan transactions of Government on the commerce and industry of the province. Proposals for taxation by local bodies are also examined in the Finance Department from the point of view of the provincial finances as a whole. The Finance Department has also to study all economic and financial reports and the results of investigations carried out in this country or outside. All such reports of committees and commissions, *e.g.*, the Economic Enquiry Committee's Report and the External Capital Committee's Report, are examined with a view to see how far their recommendations can be accepted by Government. Under the distribution of work between the various departments, the control of statistics has been assigned to the Finance Department.

The Finance Department was a creation of the Reforms and was instituted in order to exercise effective control over the general administration of the province and to replace the similar control exercised by the Finance Department of the Government of India before the Reforms. The powers and functions assigned to it are with certain restrictions similar to those conferred upon the Treasury in England.

One of the functions, and perhaps the most important function, of the Finance Department is the enforcement of retrenchment in public administration. Apart from the periodical enquiries carried out by the Finance Department, its duties in this matter consist chiefly in insisting on economy in public administration and in seeing that proposals are allowed only when they are really necessary and that they are carried out in the most economical manner. The power of the Finance Department to control expenditure has been greatly misunderstood. It must be clearly understood that the Finance Department has no power of compulsion. As the Government of India memorandum to the Feetham Committee points out, "the function of the Finance Department in truth is not an overriding power. It is not a body that either dictates or vetoes policy. It watches and advises on the financial provisions which are needed to give effect to any policy. It criticises proposals and can ask for further consideration. It points out defects in matters of assessment and collection; it can demand justification for new expenditure; it can

(Reserved Departments)

challenge the necessity for spending so much money to secure a given object. But in the last resort, administrative considerations must prevail. If there is a dispute regarding expenditure on a reserved subject, the Finance Member may urge that it is wrong or wasteful or that it will entail fresh taxation. But he can be overruled by the Governor in Council. If the dispute relates to expenditure on a transferred subject, the Finance Department may similarly expostulate. But the Minister in charge of the particular subject can overrule it and its objections, taking the full responsibility for so doing. In England he would, in theory, have to get the Cabinet to endorse his view in such a case. 'In an Indian province he would need only the concurrence of the Governor.' The function of the Finance Department is to be the watch-dog of the Government as a whole, of the Council and of the people, in the interests of economy and efficiency. It has not the power of vetoing or overriding other departments; it is a Financial Adviser in their projects. The powers of the Finance Department are in no sense excessive and do not require to be modified to any extent.

There are one or two functions which will be assigned to the Finance Department in the near future. It is expected that the separation of audit and accounts will be effected very soon and the responsibility for keeping the accounts of the province will devolve on the provincial Governments. In that case, the Finance Department will be in charge of accounts. It will then take over part of the work which is at present carried out by the Accountant General.

The separation of accounts from audit will eventually involve the separation of the "Ways and Means" Budgets of the Central and Provincial Governments. In that case, the provincial Governments will be expected to carry on their ways and means operations and this duty again would fall to the Finance Department. At present the Government of India, through the Controller of the Currency and their Finance Department, carry on these operations on behalf of the provincial Governments. When the provincial Governments take over the work, the Finance Department will have to see that the "ways and means" budget and resource operations of the provincial Government are carried out properly and efficiently.

The Functions and Powers of the Public Accounts Committee and the Finance Committee

273. The constitution and the functions of the Public Accounts Committee are laid down in rules 33 and 34 of the Bombay

THE FUNCTIONS
AND POWERS OF THE
PUBLIC ACCOUNTS
COMMITTEE AND
FINANCE COM-

Legislative Council Rules. These Rules provide that, as soon as may be after the commencement of the first session of each Council, a Committee on Public Accounts should be constituted for the purpose of dealing with the audit and appropriation accounts of the province and such other matters as the Finance Department may refer to the committee. The members of the

(Reserved Departments)

committee are to hold office for the duration of the Council and thereafter up to the date on which a new Committee on Public Accounts is constituted as provided. The committee should consist of such number of members as the Governor may direct, of whom not less than two-thirds should be elected by the non-official members of the Council from amongst members of the Council according to the principle of proportional representation by means of the single transferable vote. The remaining members are to be nominated by the Governor from amongst the members of the Council. The Finance Member is to be the chairman of the committee and, in the case of an equality of votes on any matter, should have a second or casting vote. The duties of the committee are to scrutinise the audit and appropriation accounts of the province and to satisfy itself that the money voted by the Council has been spent within the scope of the demand granted by the Council. The committee has to bring to the notice of the Council every reappropriation from one grant to another, every reappropriation within a grant which is not made in accordance with the rules regulating the functions of the Finance Department or which has the effect of increasing the expenditure on an item the provision for which has been specifically reduced by a vote of the Council. The committee has also to bring to the notice of the Council any expenditure which the Finance Department has requested should be brought to the Council's notice.

The main duty of the Public Accounts Committee is to see that the money voted by the Council has been spent within the scope of the demand granted by the Council. The Auditor General in his memorandum on the Public Accounts Committees in India has discussed at length the duties of this committee. He has pointed out that it would be useless to give to the legislature the power of voting money for particular purposes unless the legislature can be assured that the money is spent by the executive for the purpose for which it was asked. For obtaining this assurance the legislature relies, in the first place and mainly, upon the Public Accounts Committee, which is assisted in the performance of its functions by the work which is undertaken under the Auditor General by the Accountant General of the province. The Accountant General compiles the appropriation accounts in which expenditure is compared with detailed appropriations made by the executive of the grant given by the legislature, and comments thereon. The Public Accounts Committee in the light of these comments should examine the executive as to the manner in which the money has been spent. The Auditor General goes on to point out that the duty of the Public Accounts Committee may be summed up in the brief yet important phrase that it is to ascertain that the money granted by the legislature has been spent by the executive *within the scope of the demand*. In Bombay when any small recurring charge is sanctioned by the Finance Department by reappropriation in the course of the year, it is brought to the notice of the Legislative Council as an item sanctioned by the Finance Department by reappropriation. No big scheme involving heavy expenditure is incurred without the previous sanction of the Legislative Council.

(Reserved Departments)

Subject to these limitations, the executive has full power of reappropriation within a grant. The constitutional method of limiting the power of reappropriation, if a legislature desires to achieve such a result, is to request the executive to increase the number of demands, because the executive has no power of reappropriation between grants. However, the number of grants cannot be multiplied excessively, and, therefore, if the legislature wants to control the expenditure by the executive, it must examine carefully all the reappropriations sanctioned by the executive.

One of the most important duties of the Public Accounts Committee is the investigation of those cases of irregular expenditure which are brought to its notice by the Accountant General in the appropriation report. The Public Accounts Committee has in practice been given a power which was not supposed to be given to it, viz., to review non-voted expenditure. This is very desirable, as the line between voted and non-voted expenditure from the point of view of regularity of expenditure is purely arbitrary.

274. Each year the audit and appropriation reports of the preceding account year are submitted to the Public Accounts Committee with the Auditor General's letters commenting on these reports. The Finance Department compiles a statement based on the reports of departments showing the nature of the financial irregularity in every case reported in the audit report, names the officer responsible, and states the action taken by Government against each and the comments of the Auditor General if any have been made against the particular item. For the last two years a note on the general financial situation of the province has always been submitted, explaining from the Government point of view the Accountant General's remarks in the appropriation report on the financial situation. Certain other matters on which Government would like the views of the Public Accounts Committee are also referred to the committee by way of notes, etc. The committee has been sitting regularly each year for the last four years. It consists of twelve members, eight of whom are elected by the Legislative Council and four nominated by the Governor in Council. The Finance Member is the chairman of the committee, and the Secretary, Finance Department, who is also a member of the committee, acts as its secretary. The term of office of the committee has recently been extended to three years. In the first year when it started work the committee issued no separate report apart from the proceedings. In the second year, i.e., 1925, a small report was submitted. Since last year Government in the Finance Department issue a resolution reviewing the recommendations of the committee and the manner in which they have been dealt by Government. A perusal of the last four years' reports shows that the committee do not pay the same attention to the appropriation report as to the audit report. Almost all the proceedings are in connection with the audit report. The committee go carefully into each individual case of irregular expenditure and their attention seems to be mainly

**WORKING OF THE
PUBLIC ACCOUNTS
COMMITTEE.**

(Reserved Departments)

directed to seeing whether the action taken by Government is adequate or otherwise. The committee is developing more and more into a court of enquiry for going into irregularities pointed out by the audit ; but it has not evinced as much keenness in matters connected with the appropriation report. It has not been equally keen to see that the money has been spent within the grant, that no new service is undertaken and that the Government has not in actual practice undertaken expenditure against the wishes of the Legislative Council by sanctioning reappropriations within their power. The examination of individual cases of irregular expenditure, unless they are of a glaring character, merely wastes the time of the Public Accounts Committee. Its attention should be directed towards the discovery of faults in financial rules and procedure in order to suggest rules or lines of procedure which would ensure that the executive does not undertake any expenditure not allowed by the Legislative Council. It is also the duty of the Public Accounts Committee to see that in any branch of the public administration there is no waste on the part of the executive Government.

275. It has been decided to recast the audit and appropriation reports

<p style="text-align: center;">FUTURE DEVELOPMENT.</p>	<p>and to issue a combined report on the British model. The Government of India report has already been recast on this basis. The main changes to be introduced are that the appropriation by each grant is to be given separately showing the sanctioned grant, the increased grant, and explanations for excess or savings. In the body of the report any serious deviation from the voted grant would be commented upon by the Accountant General. After the appropriation accounts are reported upon for each grant the main irregularities under the grant would be brought out by the Accountant General and detailed explanations as regards deviation under each grant would be given in the accounts to be submitted at the end of the report. Only the important points will be brought out in the body of the report. This change has been suggested by the Auditor General in order to help the work of the Public Accounts Committee. It brings out the importance of appropriation accounts and the members of the Public Accounts Committee will henceforth have clearly before them under each grant, the main points brought out by the appropriation audit carried out by the Accountant General. It would be easy for them to ask from each officer responsible for expenditure why deviations from the grants took place. At present this is done in the Central Public Accounts Committee. The Auditor General has further suggested certain other minor alterations in procedure in order that the Public Accounts Committee's work should be of the same value as that of the similar body in England. It appears, however, that unless the Public Accounts Committee takes its other important functions seriously and applies itself to them and unless it carefully sees that the control of the Legislative Council over public expenditure is real, progress in its work is not possible. As it is, there has been a tendency to devote too much time and attention to the manner in which the executive Government has dealt with officers who have</p>
--	--

(Reserved Departments)

offended against Financial Rules. It is perhaps inevitable that a comparatively inexperienced legislature should thus try to get some command over an executive which is for the most part not responsible to it, but the results are unfortunate. Only the executive Government has really the experience needed for gauging the measure of a financial irregularity in particular circumstances; and the pillorying of officers for minor financial irregularities must have, is indeed having, a serious effect on their efficiency and sense of responsibility.

It is perhaps too early to dispense with the presence of official members on the Public Accounts Committee altogether. It would appear inevitable that with the personnel available at present there should be officials on the committee, and that the chairman should be the official who is ultimately responsible for the finances of the provinces. At the present stage of our development there are advantages in having the Ministers on the committee: they are the only officials directly responsible to the Legislative Council and they are thus given the opportunity of investigating the expenditure in the reserved departments. Moreover, at present there is no non-official in the House with sufficient acquaintance with the general administration to be able to take the place of the Finance Member as Chairman. These things will come; and it is, theoretically, undoubtedly desirable that the committee should be composed of others than the Executive Members of Government. For the present, therefore, perhaps the first change that can be recommended is that the committee should appoint its own Secretary.

276. A Finance Committee of the Legislative Council was in existence in this province even before the Reforms. The committee was entrusted with the task of advising on fresh items of expenditure proposed for inclusion in the provincial budget. As remarked by Sir Henry Lawrence, the Finance Member in 1921, experience with the former pre-reform Council had established the value to Government of such a committee for consultation in regard to the budget. This committee, however, is not referred to either in the Government of India Act or in the rules framed under it. It is appointed in pursuance of the recommendation made in paragraph 235 of the Montagu-Chelmsford Report for the appointment of standing committees of the Council. The functions of the Finance Committee in this province are, briefly stated, to examine and advise on such budget materials as the Finance Department of Government places at its disposal and thus to assist Government to frame a budget which will, so far as possible, be likely to commend itself to members of the Legislative Council. The Council elects twelve non-official members to serve on the Finance Committee and four non-official members are nominated by the Governor in Council. The Finance Member is the chairman and the Secretary, Finance Department, the secretary of the committee. The Members of the Executive Council and the Ministers are *ex-officio* members of the committee. Responsibility for the budget must, under the present constitution, rest with

THE FINANCE
COMMITTEE.

(Reserved Departments)

the executive, and the Legislative Council cannot direct that provision be made for any particular object. But even without this power of initiating new expenditure the Finance Committee can give valuable assistance as a consultative body. The increased scope afforded for detailed explanation of Government's various proposals is of the greatest value in removing misapprehensions when the budget figures finally come under discussion at the formal budget meeting of the Legislative Council. The budget is every year placed before the committee and new items are explained and discussed. All supplementary grants and any new proposals costing money are similarly placed before the Finance Committee and discussed. Votes are usually not taken but generally if Government find that there is a strong opposition to any new proposal they either drop it or introduce it in a modified form. The discussion in the committee helps to some extent the discussion in the Council and Government know how their proposals are likely to fare in the Council. The purpose of the Finance Committee, judging from its proceedings, appears to be to serve as a feeler for the opinion of the Council. The Committee can hardly be called an expert body: with one or two exceptions most members are not used to handling financial projects on a big scale. The advice of the committee, it is intended, should enable the Legislative Council to exercise its great power of control with a more complete understanding of the points at issue, and consequently with greater efficiency. Incidentally Government also may secure allies for themselves by convincing the members of the committee in discussion. A perusal of the reports of the meetings of this committee shows that the committee has to some extent justified the hopes entertained about it. The committee at present tends, as might be gathered from the manner of its institution, to be regarded as of political value rather than as an expert body for examining critically new financial proposals. It also gives some insight into financial questions to a few members of the Legislative Council; but here again the members tend to regard the Finance Committee as a convenient mode of obtaining information for subsequent debate in the Legislative Council and often cannot be induced to arrive at definite conclusions on matters which are open to differences of opinion.

Effect of the Reforms on the Secretariat

277. (1) The introduction of the Reforms necessarily involved a very appreciable increase in the work of the Secretariat, and this increase has been going on steadily during the whole period under consideration. A certain amount of increase in work necessarily followed upon the creation of one additional Member of Council and three Ministers. This increase, however, was due partly to the new duties laid upon the Finance Department under the Government of India Act and partly to the new departments and new activities that came into existence after the Reforms. A very large increase has been due to the extra work thrown on the Secretariat by the newly created Legislature. Prior to the Reforms the Finance Department did not.

INCREASE OF WORK:
MAIN CAUSES OF
INCREASE.

(Reserved Departments)

exist separately. Its work was combined with that of the Revenue Department. With the Reforms a separate Finance Department was created with special duties and responsibilities imposed upon it by the Government of India Act and exercising much closer control over the other departments than formerly. The Public Accounts and Finance Committees of the Legislative Council have involved a great deal of responsibility and work for the Finance Department. Much of the work in connection with the Budget, which was formerly done by the Accountant General, is now done in the Finance Department. An appreciable increase of work in this Department has also been due to the large number of commissions and committees of inquiry appointed to advise Government on various matters. As a result of this the staff with which the new departments started in 1920 has had to be increased since then by about 50 per cent. The increasing interest taken by the Legislative Council in all branches of administration and the very large number of questions in the Council have inevitably involved an enormous increase of work in all departments of the Secretariat, especially in the Revenue and General Departments.

278. When the first reformed Councils started work, the Assistant Legal Remembrancer was appointed Secretary to the Legislative Council and was given a Council establishment under him which for Council purposes was under the control of the President of the Council but remained part of the Legal Department of the Secretariat. In 1922 this arrangement was altered and the Council Office was separated from the Legal Department of the Secretariat, the Assistant Legal Remembrancer continuing to work as Council Secretary. This arrangement was found to be unsatisfactory. The Council work suffered from insufficiency of staff during the pressure of Council meetings. As much of the work done in the Legal Department was very closely related to the Council, it was decided to convert the Council Office into a sub-branch of the Legal Department. It was also decided on grounds of retrenchment to do away with the post of Assistant Legal Remembrancer and to combine the post of Secretary of the Council with that of the Deputy Secretary in the Legal Department. This arrangement has now been tried for over three years and has worked on the whole satisfactorily, but it is now almost on the point of breaking down on account of the considerable increase of work both in the Council Office and in the Legal Department proper, especially in the latter. The steadily increasing amount of legislation, both official and private, which is undertaken every year has meant a very heavy increase of work for all departments and particularly for the Legal Department.

279. Some idea of the increase of work which has resulted from the activities of the Council may be gained from the fact that the number of questions asked in Council increased between 1919 and 1927 almost five fold—

INCREASE OF WORK
IN ALL DEPARTMENTS
AND PARTICULARLY IN
THE LEGAL DEPARTMENT.

FIGURES OF IN-
CREASE OF WORK.

(Reserved Departments)

from 566 in 1919 to 2,661 in 1927,—the number of resolutions received in the same period rose more than five-fold—from 109 to 565,—and the number of bills more than trebled, rising from 11 to 39. In the total work of the Secretariat there was a very heavy increase as is indicated by the rise in the number of letters and papers received from 100,480 in 1919 to 160,614 in 1927. The increases were shared by all departments as is shown in the statement attached (*vide* Appendix A).

280. One important factor which added greatly to the work of the higher officers of the Secretariat and of the Members of Government was the extended duration of the sessions of the Legislative Council and the increase in the number of these sessions. In 1919 the total number of days during which the Council sat was 13; in 1927 it had increased to 57. There was a corresponding or even greater increase in the amount of work done in Council Committees of various kinds,—Finance, Public Accounts and Select Committees,—and in the work connected with the various committees appointed at the initiative of the Legislative Council which dealt with important and difficult subjects like excise, land revenue and forest grievances. All these involved considerable work in the Secretariat as well as to the members of Government concerned. Apart from this, the general increase in political activity and interest has involved a very large addition to the work of the Members of Government in interviews and in maintaining contact with the public and public movements, and in many ways which it is impossible to reduce to statistical form. It has become incumbent on the Members of the Council as well as Ministers to keep in touch with both politicians and the public if the wheels of Government are to run with reasonable smoothness. In this way there is now a heavy tax on the time of the Members of Government and even in some cases of the Secretaries as compared with the comparatively peaceful and uneventful days before the Reforms.

281. While on the one hand the steadily increasing activities and longer sessions of the Legislative Council have involved a very considerable increase of work in the Secretariat, the financial stringency which has prevailed throughout the period of the Reforms, and the persistent efforts of the Council itself to effect retrenchment, have compelled Government to keep down the Secretariat establishments to the minimum and even in some cases to reduce them. One post of Deputy Secretary has been reduced in the Revenue Department and one of Assistant Legal Remembrancer in the Legal Department. Reductions in clerical and subordinate establishments have also been made in the Revenue and General Departments. The result is that pressure of work is severely felt in all departments and that in some the establishment is overworked and at times in danger of breaking down.

BUT NO CORRESPONDING INCREASE IN AND IN SOME CASES EVEN REDUCTION OF ESTABLISHMENTS.

306-312 CHAPTER VII—THE EXECUTIVE AND ADMINISTRATION
(*Reserved Departments*)

Communism

「282—288. * * * * *

(Reserved Departments)

289. A typical example of the way in which a local grievance, in its origin neither political nor in the main directed against Government, is exploited by the more extreme political agitators for their own purposes is afforded by the Mulshi Petha agitation, which commenced in 1919 and lasted till 1924. The agitation arose from the discontent caused in the village of Mulshi in the Poona district by the acquisition by Government of about 10,800 acres of land for the Tata Power Company. Although Government and the Tata Company made every effort to reduce the hardship inevitably caused to the owners of the acquired lands by the grant of compensation on liberal terms and by attempts to give land in exchange, a persistent agitation was carried on against the acquisition largely at the instigation of agitators from Poona and other places. The efforts of the company to carry on work were persistently obstructed and though the obstruction was supposed to be non-violent, acts of violence were as a matter of fact committed on several occasions. The construction trains working in the area were obstructed, and on one occasion the engine of one of them was derailed. Government had to prosecute the obstructors on more than one occasion. The prime mover in the agitation was one Bapat who was twice sentenced to imprisonment in connection with his activities and who renewed the agitation each time he was released from prison. The agitation continued off and on at intervals till December 1924, when Bapat and some others held up a train taking workmen to Mulshi and attacked the coolies with swords and revolvers, with the result that eleven persons were severely wounded. Bapat and his associates were arrested and tried, Bapat himself being sentenced to seven years' imprisonment and his associates to lesser terms.

The Press

290. Before giving an account of the influence of the press in this Presidency and of its attitude, it will be desirable to give some figures showing the number and distribution of newspapers and periodicals in the Presidency.

291. There has been a very large increase in the number of Indian owned newspapers in the Presidency during the period from 1920 to 1926. The intense political agitation and communal tension which have been among the outstanding features of this period have resulted in the springing up of a large number of new papers. In 1920 there were 166 Indian-owned newspapers in the Presidency; in 1926 the number had increased to 258. Of the total number of such newspapers, 25 per cent. were published in Bombay city in 1920, and 31 per cent. in 1926. In Sind alone, the number of newspapers increased from 22 to 49 during this period. Roughly, 35 per cent. of the newspapers published may be said to be controlled by Brahmins and about 35 per cent. by non-Brahmins. The increase in the number of newspapers controlled by the non-Brahmins and by the Muhammadans has been very noticeable, and may be taken as significant of the political awakening of both these classes.

(Reserved Departments)

The number of non-Brahmin newspapers rose from 53 in 1920 to 91 in 1926. The number of newspapers controlled by Muhammadans increased from 14 in 1920 to 36 in 1926. Of the 258 newspapers published in 1926, 30 were dailies, 10 of these being English or Anglo-vernacular. Most of the newspapers are weekly, there being 187 of them in 1926. The greater number of vernacular newspapers are either Marathi or Gujarati. In 1926 there were 84 newspapers published in Marathi and 83 in Gujarati. The increase in Gujarati newspapers during the period was remarkable ; their number in 1920 was only 41.

292. The circulation of most newspapers is not large. As many as 74 per cent. of the newspapers published in 1926 had a circulation of 2,000 and under. Forty per cent. had a circulation below 500. Only 2 English and 3 vernacular newspapers have a circulation of over 10,000.

293. With the exception of a few sober journals, moderate views are at a discount and, as a whole, the press may be said to be a hostile critic of Government and its measures. The tone of the press, however, reflects public opinion only to a limited extent. Each little clique or sub-clique starts its own newspaper, and the mass of these is apt to give an erroneous idea of the true trend of public opinion. In 1922, 51 newspapers started publication, and in 1923, 66 ; but in each case the majority were short-lived, and ceased publication before the end of the year. The ordinary man, content more or less with things as they are, feels little need of active pamphleteering, and the field is left for the most part to the extremist.

294. It is difficult to summarise in a brief account the attitude of the press towards Government and towards the larger political questions that have arisen during the period of the Reforms. Although, in the main the attitude towards Government has been one of hostility, the intensity of such hostility and the extent to which it has pervaded the press as a whole have varied from year to year.

295. The ideas about the rights of weaker nations, self-determination, etc., which came into prominence during and after the war, reacted upon the Indian press, and added considerably to its independence. During the war and immediately after newspapers wrote with a freedom and strength of language that would have been considered extraordinary before the war. Government also relaxed their control over the press to a considerable extent, and writings which before the war would have resulted in a prosecution were passed over as being unworthy of notice or punished with a mere warning. The events of 1919, the passing of the Rowlatt Act, the Punjab occurrences, the starting of the Khilafat agitation and Mr. Gandhi's non-cooperation movement all added a deep note,

(Reserved Departments)

of bitterness to the tone of the press. On most topics there was not much to choose between the moderate and the extremist organs. All wrote with equal warmth on such subjects as the Khilafat, the Turkish Peace Treaty, the Punjab wrongs, and the position of Indians in the colonies. But on some of the questions there was a marked difference of opinion between the two. All Indian newspapers accepted Swaraj as the goal of Indian aspirations, but while the moderates considered the British connection necessary for India for a long time to come and insisted upon it in any scheme of self-government, the extremists made no fetish of it; the essential point with them was the winning of Swaraj; whether the British connection survived or not was a matter of minor importance. While the extremist papers wholeheartedly supported the non-cooperation movement, the moderate ones dwelt on its dangers and condemned it. On the subject of the Reforms, there was a marked divergence of opinion between the moderate and the extremist press. In 1920, the moderate papers welcomed the Reforms, and declared that they should be worked for all they were worth as a stepping-stone towards the attainment of fuller rights. The extremist papers, from the first, ridiculed the Reforms in the most unmeasured terms. The non-cooperation movement launched by Mr. Gandhi in 1920 evoked opposition not only from the moderate section of the press, but also from several extremist newspapers which ranged themselves more or less openly against it. The boycott of the Reformed Councils as a part of the non-cooperation programme was openly condemned by the extremist newspapers of the Deccan, most of whom had pledged themselves to support Mr. Tilak's plan to capture the majority of seats in the Councils, and even when later on they gave up their opposition to the boycott owing to the necessity of abiding by the non-cooperation resolution passed by the Calcutta Congress in 1920, they openly expressed their doubts as to the success of the movement, and continued to be more or less hostile critics of it. In the latter part of 1921, there began a distinct cleavage between the papers which accepted wholeheartedly the non-cooperation programme, and those which, while professing to accept the principle, differed, as they said, on matters of detail. As a result of this difference, a new party arose in the Maharashtra, which may be said to have stood somewhere between the non-cooperators and the moderates. The lead in this party was taken by the *Kesari*, which continued to be the most widely circulated paper in the Presidency. Most of the non-Brahmin Marathi papers were moderate in politics in so far as they did not believe in non-cooperation, but many of them were very hostile critics of the bureaucracy in general and of the Indian Ministers in particular. The Sind papers were violently hostile to Government, though after the decline of the Khilafat movement the tone of the Muhammadan newspapers towards Government improved considerably. Political, racial and religious factions and bickerings between the various sections of the press increased steadily from 1923 onwards. The attention of most of these papers both in the Presidency and in Sind was largely absorbed by mutual recriminations between the Hindu and Muhammadan communities

(Reserved Departments)

The split in the non-cooperation party created in 1923 by the pro-Council activities of the Swarajists steadily increased, resulting in a sharp division between the non-cooperationist newspapers. Towards the end of 1924, inflammatory writings in the newspapers in connection with the communal differences between the Hindus and the Muhammadans increased to such an extent that Government had to issue the following general warning to the press :

"The attention of the Governor in Council has been drawn to numerous articles in the public press and to pamphlets, which appear to be designed deliberately to accentuate the unfortunate differences which have arisen between Hindus and Mussalmans. The political sanity and moderation of the people of this Presidency have so far restricted the untoward consequences of such differences to comparatively unimportant incidents, but the Governor in Council cannot neglect the possibility that a campaign of wild accusations, of vulgar and even obscene abuse and of incitements to meet force with force may lead to outbreaks of bloodshed and murder such as have occurred in other parts of India. A perusal of these articles and pamphlets leads to only one conclusion that the writers are deliberately and with full consciousness of what they are doing, endeavouring to stir up religious hatred between the two great communities of India. Both sides are equally to blame, and for months past the baser journals, both Hindu and Muhammadan, have been vieing one with another in inflammatory attacks on the morals and religious beliefs of their opponents.

"The Governor in Council is of opinion that the time has come for a public pronouncement in this matter and desires to give warning that, while he does not wish to interfere in any way with reasoned discussion, he will be compelled, if the campaign above described does not forthwith cease, to use all the powers entrusted to him by law to guard the feelings and religious susceptibilities of all sections of the public of this Presidency. He appeals confidently to the wise and respectable of both communities to take their share publicly in repudiating and eliminating from controversy bitter expressions and vulgar abuse which may result in actions which will bring disgrace on the whole Presidency."

In 1925 there was apparent a slow but well marked change for the better in the Indian press on the whole, a steady return to constitutionalism from the intransigent and doctrinaire non-cooperation that had been so much in vogue in previous years. Excepting a few extremist non-cooperationist papers, the whole press may be said to have made up its mind that the road to real political progress lay through work in the Councils; and even the extreme exceptions, though still occasionally harping on direct action, eagerly took part in discussing the actual work done in the Councils. Mr. Gandhi himself had to yield more and more during the year to the growing pressure of the Swarajists and Responsive Co-operationists, and this fact helped not a little to bring the press at large back to constitutionalism. All the papers, however, almost without exception, were at one in decriing dyarchy and demanding further constitutional reforms.

296. In spite of the various causes of difference, political and communal, which created dissensions in the press during the years 1923-25, there were certain questions and occasions on which the entire press showed remarkable unity of opinion. One such question was the condition of Indians in the colonies. The Kenya question steadily assumed national proportions and evoked intense bitterness and heat in all classes of newspapers, extremist or moderate, pro-Council or anti-Council, Moslem or non-Brahmin.

THE PRESS AND THE
KENYA QUESTION.

(Reserved Departments)

297. The attitude of silence which the Swarajists in the Bombay Council adopted in 1925, as a protest against the alleged sinister combination of the Government, the non-Brahmins and the Sind members to their detriment, was differently viewed by the various sections of the press. While the extremist and non-cooperationist press approved of the action of the Swarajists, the moderate section regarded their obstructionist policy as childish and inconsistent, and declared that the step would prove as barren of beneficial results and as fruitful of mischievous consequences as the plan of boycotting the Councils.

298. The year 1925 showed no signs of abatement of the increasing tension between the Hindus and Muhammadans all over the country. The Muhammadan papers laid the blame at the door of the Shuddhi and Sangathan movements of the Hindus and the inflammatory utterances of the Hindu Mahasabha leaders, while the Hindu organs declared that the friction between the two communities was promoted by the intensely selfish communalism of the Muhammadans which urged them to demand special communal electorates and special privileges, their racial arrogance and pride, their extraterritorial patriotism which led them to nourish pan-Islamic ideals and to take pride in foreign Moslem ruling powers, and their attempts at proselytisation of Hindus on a large scale. The Hindu-Muhammadan riots at Sholapur in the course of the year evoked vehement and severe comments in the Hindu press against both the Muhammadans and Government, the latter being blamed for showing partiality to Muhammadans. In Sind the papers on both sides did their utmost to fan the flame of dissensions between the two communities, and were ready to publish without enquiry exaggerated or unfounded allegations of kidnapping or conversion. This had the unfortunate result of frightening both the communities, especially in the villages and small towns, and raising dissensions in places in which comparative friendliness had hitherto prevailed. Strong complaints were made about the appearance of inflammatory writings in the Hindu and Muhammadan papers in Sind, and Government were charged with conniving at the strained relations between the two communities. Shortly after the close of the year 1925, the Commissioner in Sind felt it necessary to issue a general warning to the Sindhi press that more general action would be taken if the efforts to cause communal ill-feeling continued.

299. The year 1926 showed a further accentuation of the tendency among the Marathi papers to revert to the old methods of constitutional agitation. Almost all Gujarati papers still continued the policy of strict non-cooperation, though a large number of them had ceased to believe in Mr. Gandhi's programme, and almost all of them took the keenest interest in the Reforms, the Reformed Councils and the work done in them.

(Reserved Departments)

300. The communal question continued to occupy a prominent place in the press in 1926 and 1927. In July 1926 a conference of Sind journalists was held, at the invitation of the President of the Central Khilafat Committee, to consider ways and means of combating the communal strife in the Sind press. The conference resolved on the formation of an association of journalists pledged to abstain from publishing matter calculated to wound religious susceptibilities and to arouse communal passions. The Hindu papers which were chiefly engaged in the communal conflict, while sympathising with the objects of the conference, did not participate in the proceedings. The editors of almost all the Muhammadan papers, however, signed the pledge and joined the association. While it cannot be said that the conference produced any definite results, it seemed to have served a useful purpose in promoting a better understanding between the contending parties and in drawing attention to the dangers of inflammatory writings and to the existence of a common and genuine desire among editors to promote goodwill between the two communities.

301. A number of papers sprang up in the year 1927, with the avowed object of fighting the cause of either the Hindu or the Muhammadan community, and did their best to make matters worse by indulging in abusive language, often bordering on obscenity. Among the older Gujarati papers, very few were conscientiously opposed to communalism. Among the Marathi papers, there was only one that consistently tried to fight communalism.

302. In the preceding paragraphs, a brief account has been given of the attitude of the press as a whole towards Government, towards the Council and towards the various questions which have been prominently before the public. It has been stated that the press as a whole, with few exceptions, has been a hostile critic of Government and its measures. Besides such hostile criticism, which has on the whole been of a constitutional nature, there has been a certain section of the press which has, all through the period of the Reforms and especially from 1923 onwards, openly advocated movements of a definitely subversive character directed against Government. This subversive agitation has been carried on partly through a few newspapers, 8 or 9 in number, partly by means of pamphlets, and partly from the platform and has been confined practically to Maharashtra. These publications and speeches have openly advocated resort to violence in order to overthrow the British Government and to attain Swaraj. The necessity of resorting to bloodshed if liberty is to be attained has been constantly impressed upon the people. The examples of revolutionary movements in other countries have been constantly quoted, and the deeds and conduct of Indians who have been hanged or otherwise punished for revolutionary crimes have been extolled and held up as examples.

(Reserved Departments)

303. Prior to 1922, the law outside the Indian Penal Code and the THE PRESS LAWS. Criminal Procedure Code governing the press was :

(1) The Press and Registration of Books Act, 1867, enjoining the printing of the name of the printer and publisher and place of printing and publication on every book or issue of a newspaper published in British India, and in respect of the latter the name of the editor ; and declarations by the keeper of every press and by the printer and publisher of every newspaper.

(2) The Newspaper Incitement to Offences Act, 1907, providing for forfeiture of a press for printing a newspaper containing incitements to murder or to any offence under the Explosive Substances Act, or to any act of violence.

This Act was repealed by the Press Law Repeal Act, 1922.

(3) The Indian Press Act, I of 1910, providing for the taking of securities from the keeper of a press and the printer and publisher of a newspaper, and forfeiture of such securities and forfeiture of the press itself on the further publication of objectionable matter.

This Act has also been repealed.

304. Proceedings are instituted under the Press Act, 1867, only when there is failure to comply with its provisions after repeated warnings. A copy of the Press Note explaining the provisions of the Act is handed to each person making a declaration for his information and guidance. No proceedings are instituted under the substantive sections of the law, section 124-A or 153-A of the Indian Penal Code, unless the editor, printer and publisher have been previously convicted or warned, except in extreme cases when it is clear that the deliberate intention is to incite to disaffection, especially violence, or to inflame class or racial feeling, or when, from what is known of the views and leanings of the parties concerned, a warning is unlikely to have any effect. The following statement shows the number of warnings given and the number of proceedings instituted against newspapers during the years 1920-1926 :—

Year	Warnings	Number of proceedings under section 108, Criminal Procedure Code	Number of proceedings under section 124-A or section 153-A, Indian Penal Code
1920	6, one a second time and one after a number of previous warnings.	Nil	Nil
1921	8, two for inciting to threats of violence.	2	4
1922	12	11	11
1923	4	5	5
1924	12, one 3 times	1	3
1925	9, one twice and one for incitement to violence.	Nil	4 (3 class or racial hatred).
1926	10	Nil	3 (class or racial hatred).

(Reserved Departments)

When the Indian Press Act, 1910, was repealed in 1922, the power of Government to declare any printed matter, wherever printed, to be forfeited to His Majesty was embodied in a new section 99-A, Criminal Procedure Code, but proscription of such matter was restricted to matter falling under section 124-A, Indian Penal Code.

Similarly power to search for such matter and on entry into British India in the course of transmission through the post has been embodied, respectively, in section 181-A of the Sea Customs Act and section 27-B of the Post Office Act. Matter detained has to be forwarded to the local Government for orders of proscription and the parties concerned informed.

Appeal lies to the High Court against any order of forfeiture.

Later owing to the Hindu-Moslem tension and with a view to dealing promptly with scurrilous attacks in the press likely to incite feelings of hatred or enmity between the two communities, local Governments were also given power to proscribe under section 99-A, Criminal Procedure Code, matter falling under section 153-A.

In 1927 in view of the decisions in the "Rangila Rasul" and "Risala Vartman" cases, section 295-A, Indian Penal Code, was implemented, making penal the publication of any matter attempting deliberately and maliciously to outrage the religious feelings of any class of His Majesty's subjects by insulting their religious beliefs, and this section was also added to section 99-A, Criminal Procedure Code.

The implementing of the above law has on the whole had a very sobering effect, though at the time of writing (May 1928) Government have had to sanction two prosecutions under sections 295-A and 292, Indian Penal Code, one against a Muhammadan paper for publishing obscene matter offending against the Hindu religion and the other against a non-Brahmin paper for publishing similar matter against the Brahmins.

The following statement shows the number of books and particular issues of newspapers proscribed by the Government of Bombay from 1920 to 1927 :—

Year				Books	Issues of newspapers
1920	..	..	..	19	<i>Nil</i>
1921	..	..	..	20	2
1922	..	..	..	43	1
1923	..	..	..	19	106
1924	..	..	..	9	11
1925	..	..	..	<i>Nil</i>	3
1926	..	..	..	<i>Nil</i>	<i>Nil</i>
1927	..	..	..	1	<i>Nil</i>

The issues of newspapers proscribed in 1923, 1924 and 1925 (*viz.*, 106, 11 and 3) were all of newspapers published by anti-British organizations abroad.

(Reserved Departments)

The Government of India have also issued a number of notifications under section 19 of the Sea Customs Act prohibiting the entry into British India of certain objectionable publications. One such notification covers all matter published by the third International or any body abroad affiliated to it. Under section 25 of the Post Office Act, the Postal authorities are empowered to detain and forward to the Director of Intelligence, Home Department of the Government of India, any such matter in the course of transmission in the post.

While the frankly seditious article can be dealt with under the Penal Code, no legislation or publicity has proved effective in checking the constant misrepresentation of the actions and motives of Government, the magnification of petty grievances, and the insinuation of partial dealing, indulged in by the more extreme and by no means only smaller organs of the press, though some decrease has been noticeable during the past three years with the collapse of the Khilafat and non-co-operation movements.

Two very successful prosecutions in the High Court, for defamation, one resulting, in the case of one of the leading English dailies, in the awarding of very substantial damages to the officers defamed, have had a very salutary effect in checking the campaign of slander and vilification of individual officers so common to the Presidency during 1920 to 1923, and the institution of similar proceedings in Sind under the sanction of Government has also had a marked effect in checking a similar irresponsible campaign there.

305. Appendix B gives the number and distribution by districts of the Presses in the Presidency in 1920 and 1926.

PRINTING PRESSES. The total rose from 612 in 1920 to 952 in 1926, the last year for which figures are available. Of these, 248 or 40 per cent. were located in Bombay City in 1920 and 401 or 42 per cent. in 1926, Poona City coming next with 60 or 9·5 per cent. in 1920 and 100 or 10 per cent. in 1926. The next noticeable increase after Bombay City was Karachi District where the number of Presses jumped from 26 in 1920 to 74 in 1926, largely accounting for the big jump in Sind from 49 to 117.

306. One thousand five hundred and twenty-four books were published in 1920, 522 were in Gujarati and 334 in Marathi. Of the 2,588 books published in 1926, 683 were in Gujarati and 659 in Marathi. The number of periodicals (other than newspapers) rose from 1,230 in 1920 to 1,594 in 1926.

*The Khilafat and Non-co-operation Campaign***I.—AIMS AND OBJECTS**

THE KHILAFAT AND NON-CO-OPERATION CAMPAIGN. 307. The aims and objects of the movement, which actually commenced on the 1st August 1920, were :—

(a) to gain for the Muhammadans the maintenance of the Khilafat, and the removal of the Jazirat-ul-Arab (Arabia) and the Holy Places of Islam from non-Muslim control ;

(Reserved Departments)

(b) to obtain adequate punishment, from the point of view of the Indians, of certain high military and civilian officers who, according to them, were guilty of unsoldierly and barbarous behaviour towards the people of the Punjab through the measures employed by them in quelling under martial law the widespread disturbances which broke out in that province (and elsewhere) in March-April 1919 as the result mainly of the intensive agitation carried on by Mr. Gandhi and his lieutenants against the "Rowlatt Bills" becoming law;

(c) to attain *Swaraj* as the only effective means to vindicate national honour and to prevent the repetition of such "wrongs".

Towards the realization of the first object agitation was concentrated on securing a revision of the peace terms with Turkey, so as to leave her and the Khilafat in the position which they had occupied before the outbreak of the Great War. The long delay in the settlement of the peace terms and the strong anti-Turkish feeling aroused in Europe in the interval over the Armenian massacres alarmed the Muhammadans and gave widespread belief to the feeling that Islam was in danger of oppression and Turkey of dismemberment at the hands of the Christian powers. This led to the formation in May 1919 of the Bombay Khilafat Committee, which in the following November became the Central Khilafat Committee of India, with its three aims:

(i) the settlement of the Khilafat question in accordance with the wishes of the Muslims of India;

(ii) the entrusting of the guardianship of the Holy Places of Islam to the Khalifa, free of all non-Muslim control;

(iii) the prevention of the dismemberment of the Turkish Empire.

The "Rowlatt Bills" were two in number. The first was intended to be of a temporary nature to deal expeditiously with anarchical offences by trial before a court of three High Court Judges, with no right of appeal. The second was intended to make a permanent change in the ordinary criminal law of the land, making the possession of a seditious document with intention to publish or to circulate it an offence, giving protection to accused persons turning King's evidence, etc. The introduction of these two bills into the Imperial Legislative Council in February 1919, at a time when India was on the threshold of a further advance towards self-government, was received with surprise and dismay. Mr. Gandhi commenced and led an intensive agitation against the bills. This culminated in the Delhi, Punjab and other disturbances, including the Jallianwalla Bagh tragedy, in March-April 1919.

308. Mr. Gandhi saw in the Muhammadan desire for the non-punishment of Turkey and the preservation of the Khilafat and in the strong feelings aroused in India over the Jallianwalla Bagh incident an opportunity for uniting the two communities, so often at loggerheads, under one banner. He set about his task with great vigour and by the end of March 1920 had the Khilafatist leaders

(Reserved Departments)

well under his influence and was practically regarded as the principal political leader of India. In this month he first threatened to commence non-co-operation with Government if Muhammadan sentiment in India were not met by the terms of peace with Turkey. The terms of the San Remo Treaty with that Empire, published in May 1920, were received with storms of indignation and protest and in June 1920 a Muhammadan representation was made to the Viceroy, at the instance of Mr. Gandhi, asking the Viceroy to secure a just revision of the treaty or to resign, and intimating that non-co-operation would commence from the 1st August 1920 if satisfaction was not obtained. The Hunter Committee's report on the Punjab disturbances, which had appeared in May, was also received with strong disapproval.

309. On the 1st August 1920, Mr. Gandhi launched his non-co-operation campaign with the observance of a *hartal* throughout India. Its success in Bombay City was due in a great measure to the death of the well-known Maharashtra leader, Mr. B. G. Tilak, on the previous night.

310. Having won over the Muhammadans, Mr. Gandhi turned his attention to capturing the two principal non-official associations in India, the Indian National Congress and the Home Rule League, the object of both of these being practically identical—self-government for India. At a special session of the Indian National Congress, the members of which had already expressed their disapproval of the remedies adopted by certain high officers to quell the Punjab disturbances, Mr. Gandhi won it over to his side by getting it to pass, though not without opposition, his resolution on non-co-operation. He also captured the Home Rule League in the same month, changing its name to "Swaraj Sabha". His success in inducing both bodies to take up the extreme position of non-co-operation with Government led, however, to numerous resignations of the more sober leaders who failed to see how a policy of non-co-operation would benefit the country and who thought that it was likely to be on the contrary harmful.

311. The non-co-operation resolution adopted by the special session of the Congress referred in its preamble to the failure of Government to redress the Khilafat and Punjab wrongs, and stated that since there could be no contentment without the redress of these wrongs the only course left open to the country was the adoption of a policy of progressive non-violent non-co-operation until the wrongs were righted and Swaraj established. The first stage of non-co-operation was to be:

(a) surrender of titles and honorary offices and of nominated seats in local bodies;

(b) boycott of Government levees, darbars, and other official and semi-official functions;

(Reserved Departments)

- (c) gradual boycott of Government and Government-aided schools and colleges ;
- (d) gradual boycott of British law courts by lawyers and litigants ;
- (e) boycott of military and civil service in Mesopotamia ;
- (f) boycott of the reformed councils ;
- (g) boycott of foreign cloth.

The constructive part of the resolution related to the development of Swadeshi in piece-goods and as regards (c) and (d) the establishment of national educational institutions and private courts of arbitration.

312. A non-co-operation sub-committee under Mr. Gandhi was appointed to give effect to this programme. As the boycott of the reformed councils was of immediate importance, owing to the near approach of the elections to them, the committee devoted its attention, for the time being, to this item alone. Among the members of the Congress was a group made up of the Maharashtra Nationalist Party which, with Mr. B. G. Tilak at its head up to the time of his death on the 31st July 1920, had been carrying on an intensive campaign for the election of its candidates to the Bombay Legislative (Reformed) Council and the Legislative Assembly. When Mr. Tilak was on his death-bed he was reported to have stated that Mr. Gandhi should be regarded as a political power and not be opposed by the Nationalists lest they should find themselves in a minority and lose their lead in Maharashtra. Partly as a matter of tactics but chiefly influenced by Mr. Tilak's last wish, the Maharashtra Party, led by Mr. Kelkar after Mr. Tilak's death, reluctantly threw in their lot with Mr. Gandhi. They withdrew from the elections, and their surrender undoubtedly gave the non-co-operation campaign a fillip in Maharashtra. The result of the campaign was that the first council under the Reforms consisted almost entirely of Moderates.

313. In December 1920, the Indian National Congress at its sessions held at Nagpur, reaffirmed the non-co-operation resolution passed at Calcutta. Its resolution declared that the entire scheme of non-violent non-co-operation, or any part or parts of it with the renunciation of voluntary association with Government at the one end and the refusal to pay taxes at the other, should be put in force at a time to be determined and that, in the meanwhile, to prepare the country for it, effective steps should continue to be taken in that behalf by

- (a) boycott of Government and Government-aided schools and colleges ;
- (b) boycott of the courts by lawyers and litigants and the settlement of disputes by private arbitration ;
- (c) gradual boycott of foreign goods, and the introduction of hand-spinning and hand-weaving ;

THE BOYCOTT OF THE
REFORMED COUNCILS.
NOVEMBER 1920.

THE INDIAN NATIONAL
CONGRESS
ACCEPTS NON-CO-
OPERATION, NAGPUR,
DECEMBER 1920.

(Reserved Departments)

(d) organising committees in the villages to accelerate the progress of non-co-operation ;

(e) organising a band of national workers to be called " The Indian National Service " ;

(f) collecting a national fund to forward the campaign. This fund was named " The All-India Tilak Memorial Swaraj Fund."

314. Mr. Gandhi also succeeded at this session in altering the old creed of the Congress in such a fashion as to eliminate the declared adherence of that body to the British connection and to constitutional methods of agitation as a *sine qua non*. The resolution passed was that :—

CHANGE IN THE
CONGRESS "CREED."

" The object of the Indian National Congress is the attainment of *Swarajya* by the people of India by all legitimate and peaceful means."

The word " *Swarajya* " was deliberately left undefined, since it could be given a variety of interpretations to suit the consciences of individual members. To some it represented Mr. Gandhi's own ideal of Government of the Self ; others read in it Dominion Home Rule ; to others it represented complete independence. It is interesting to note that certain of these interpretations were endorsed at various times by Mr. Gandhi himself. At one time he defined the term as Parliamentary Government whether within or without the British Empire ; at another time as Dominion Home Rule ; and again as universal employment of the spinning wheel.

"SWARAJYA." ITS
INTERPRETATIONS.

315. One other resolution passed at the Nagpur Congress, in pursuance of the non-co-operation policy, declared a boycott of the visit of His Royal Highness the Duke of Connaught on his arrival in India in February 1921 to inaugurate the Reforms. This particular boycott met with no success.

BOYCOTT OF THE
VISIT OF HIS ROYAL
HIGHNESS THE DUKE
OF CONNAUGHT.

It is now proposed to deal, as far as possible, with each item of the various boycotts separately.

II.—THE VARIOUS BOYCOTTS

316. The agitation for the boycott of Government or Government-aided schools and colleges reached its zenith in January 1921. By the end of that month 3 professors, 38 teachers and about 670 students severed their connection with such institutions, including Local Board and Municipal schools in the Presidency proper. Three Municipalities and one private High School in Gujarat resigned the Government grants-in-aid. In Bombay City about 400 students were affected. In Sind the movement did not commence till February and was confined practically to small Muhammadan private village schools mainly intended for imparting religious instruction and conducted by *mullas*. These *mullas* were unfortunately induced to attend Khilafat conferences, where they were told harrowing tales

BOYCOTT OF GOVERN-
MENT OR GOVERN-
MENT-AIDED EDUCA-
TIONAL INSTITUTIONS.

(Reserved Departments)

of the miserable plight of the Khilafat, ascribed mainly to the perfidy of the Shariff of Mecca, whose revolt against Turkey in 1916 was alleged to have been brought about by bribery on the part of Great Britain, and of alleged sacrileges of the Holy Places. In the same month (February), Mr. Gandhi called off the agitation on the ground that all who were likely to join had joined, and the movement thereafter died down rapidly, though sporadic attempts were made to continue it, especially in Gujarat. The boycott itself was, however, maintained and in the annual session of the Indian National Congress at Gaya in December 1922 a resolution was passed which expressed disagreement with the finding of the Congress Enquiry Committee on Civil Disobedience and resolved that the boycott must be maintained. Subsequent events, however, particularly the split in the Congress ranks over the question of Council-entry, led to this resolution being quietly ignored.

A number of national educational institutions were started, when the agitation was at its height, to accommodate non-co-operating students, but these did not thrive for any appreciable length of time. Of those still surviving and of any note is the Gujarat Vidyapith which is under the personal supervision of Mr. Gandhi. The National Medical College which was started in Bombay City in September 1921 was affiliated, at its own request, three years later, to the College of Physicians and Surgeons for the L.C.P.S. and M.C.P.S. examinations and to the Bombay University for the M.B., B.S. examination.

317. A certain very small percentage of success was registered among practising lawyers, but this item of the programme was never popular. It was also called off by Mr. Gandhi when he called off the agitation against educational institutions. It was re-affirmed as a boycott at Gaya in December 1922, but with no noticeable after-effect in this presidency.

Arbitration courts were established in several places but were short-lived, except in one case in Sind. Their chief handicap was the inability to enforce decisions without recourse to violence.

Perhaps the most striking result of this phase of non-co-operation was the refusal of non-co-operators to defend themselves when prosecuted, as a number of them were, on charges of sedition and incitements to violence.

318. Effect was not given to the boycott of foreign cloth till after Mr. Gandhi had practically succeeded in raising a crore of rupees for the Tilak Swaraj Fund. Early in July 1921 he suggested a complete boycott of foreign cloth by the 1st August 1921. He issued instructions as to how the boycott should be secured and himself directed the campaign in Bombay City, which he considered to be the key of the whole position in India. The response to his appeal to the merchants was very poor. His proposal to make bonfires of all the foreign cloth surrendered to him was also not apparently welcomed even by his own followers, but he held the first bonfire on the 1st August in the presence

(Reserved Departments)

of some 10,000 people. He found himself, however, compelled to extend his time-limit for a complete boycott for another month, and after that there were further extensions till February 1922 when at Bardoli, owing to a serious riot at a place in Northern India, he announced the suspension of every preparation of an offensive nature.

The second bonfire took place on the 9th October 1921 and this was followed by a third on the 17th November 1921, the day on which His Royal Highness the Prince of Wales landed in Bombay. The main idea of the third bonfire was to draw people away from welcoming the Prince—a sort of counter-attraction,—and also at the same time to give effect to the movement and to the Congress Committee's resolution to boycott the Royal visit and observe *hartal* on that day. The assembly at this third demonstration was estimated at 25,000. The assembly dispersed about the time the Prince was driving in state from the Apollo Bunder to Government House. A section of it appears to have encountered people returning from seeing the Prince, and to have insulted them. Disorder in the city thereafter became general and culminated in serious rioting extending over a period of three days. An account of this riot will be given in a later chapter. It, however, put an end to the bonfire demonstrations.

319. The constructive side of the boycott was the development of *khaddar* cloth by stimulating hand-spinning and hand-weaving, and also of other Indian manufactured goods, for which money was advanced from the Tilak Swaraj Fund, and their sale through the opening of shops. There was undoubtedly a decrease in the importation of foreign cloth during the height of the non-co-operation movement, though it was not the sole cause of it. This is apparent from the following extract taken from the official publication "Review of the Trade of India in 1921-22."

"Another factor which seriously affected piecegoods importations during the year under review was the vigorous revival, particularly on the Western side, of the campaign in favour of Indian-made piecegoods, re-inforced by a further development in favour of the wearing of home-woven goods made from Indian handspun yarn. The latter development was reflected also in greater imports of twist and yarn, the imported yarns, spun from longer-stapled Egyptian and American cotton, being more suitable for handweaving than yarn spun from Indian cotton."

320. At a meeting of the All-India Congress Committee at Bezvada in March 1921 a resolution was passed congratulating the country on its spontaneous response to the principle of self-purification underlying the movement of non-violent non-co-operation by taking up the campaign against the drink evil, and trusting that the habit of taking intoxicating drinks and drugs would disappear from the land by the persistent and continuous efforts of self-sacrificing workers. A campaign against drink had been carried on in India for years, purely as a measure of social reform, but the non-co-operators saw in it an easy way of embarrassing the Government and diminishing its revenues without, at the same time, calling for any personal sacrifices on their part as in the case of the boycotts of educational institutions and law courts. The boycott of liquor was actually

(Reserved Departments)

launched at a time of economic stress and this undoubtedly bore no little part in the success which it attained. The procedure adopted to secure the boycott was to try and get the liquor shop licensees not to bid at the annual auctions of the shops and to picket the shops by "volunteers" enrolled specially for the purpose with the object of inducing people not to purchase liquor. The "volunteers" were in the earlier stages not too carefully selected, a number of them being of the riff-raff of the cities and towns and paid for their services. It was hardly to be expected from this type that they could fully understand Mr. Gandhi's idea of non-violent persuasion. In fact, instances soon became fairly common of resort to violent methods on the part of the volunteers, and in one place in Sind the room in which the annual auctions were being held was rushed by a mob. The furniture was overturned and broken and confusion created. There were also attempts in some places at a social boycott of the licensees. In many places in the presidency persons entering liquor-shops were forcibly deprived of their purchases, their faces blackened and they were driven through the streets on donkeys or asses. In other places, persons found drinking were assaulted even in their own houses. In Karachi, one of the leaders of the movement was prosecuted for obstructing and striking a police officer on duty. In Bombay City, as the result of an Anglo-Indian assaulting a picketer who tried to stop his entering a bar, a mob of some 20 men whom the picketer collected, went down a road shouting "Beat all hat-wearers." They assaulted five Anglo-Indians, one of whom was a woman. A charge of rioting was framed against them. In Belgaum, four Marathas had their moustaches forcibly cut off. In the same town a Muhammadan liquor-shop owner was excommunicated for refusing to give up his contract, and a mob of some 700 Muhammadans collected the next day at the public burial ground to prevent the burial of his child who had died. After considerable persuasion on the part of the local officers a compromise was arranged that the child should be buried but only in the absence of its father. This was done and the crowd quietly dispersed. In Poona Cantonment a volunteer was arrested for forcibly taking a bottle of brandy from a woman. A crowd collected and marching to the police station demanded his release. They refused to disperse and became excited when it was rumoured that a policeman had struck a child. But on this being proved to be false and on the volunteer being released on bail, they dispersed.

These instances were typical of what took place throughout the presidency, when the temperance movement was pushed by so-called "peaceful" persuasion. But the riots at Dharwar and Bombay City, which are referred to later, give a truer indication of the danger of mass movements of this kind, especially during a time of some political excitement, being entrusted to irresponsible persons or volunteers in whose selection neither care nor judgment had been exercised.

Government had already expressed themselves in sympathy with all measures taken to discourage drink, provided they caused no inconvenience or annoyance to the public, but after the serious rioting

(Reserved Departments)

in Bombay City in November 1921, during which four liquor shops were burnt and 135 looted or damaged, they were compelled to issue orders to their officers to prohibit the picketing movement everywhere in the Presidency and Sind. The movement thereafter rapidly declined. In February 1922, when Mr. Gandhi at Bardoli suspended civil disobedience and called on all activities designed to court arrest and imprisonment, he, however, permitted the picketing of liquor shops provided that it was carried on by volunteers of known good character but he preferred house-to-house visits and reliance upon appeals rather than on picketing. Picketing did not, however, again revive, either because the volunteers were unobtainable or in view of the prohibitory order of Government.

The effect of the campaign on excise revenue was to reduce it by six lakhs of rupees. It also resulted in an increased manufacture of illicit liquor in many places.

321. The recommendation to surrender titles and honorary offices was never treated very seriously and those honoured were not the type of persons to be carried away by the non-co-operation agitation. As far as this Presidency and Sind were concerned, a very limited number surrendered their titles.

**SURRENDER OF
TITLES AND HONORARY
OFFICES.**

III.—THE MUHAMMADAN AGITATION FROM FEBRUARY TO SEPTEMBER 1921

322. At the invitation of the Government of India a Muhammadan deputation sailed for England in February 1921 to attend the Near East Conference, held in London, to consider a revision of the Turkish Peace terms. Public meetings were held in the Presidency and Sind at which resolutions were passed to the effect that any decision arrived at at the conference would be unacceptable unless the whole Muslim demands were conceded, which were, briefly, a *status quo ante bellum* for Turkey and the freedom of the Holy Places from all non-Muslim control. By the end of March the deputation telegraphed their disappointment at the concessions offered and in the same month the Greek offensive in Anatolia commenced against Turkey. This was seized upon as a fresh indication of Britain's hostility towards Turkey; it being alleged that Greece had the support of the British Government. The Ali brothers commenced an agitation having as its aims the Muslim demands mentioned above, and the condemnation of the Greek offensive with Britain's alleged support. They commenced by appealing to the Hindus to give them their whole-hearted support, but in April 1921 Mr. Muhammad Ali delivered a speech in Madras which caused considerable misgiving among the leaders of the community whose assistance they sought, as to the real Muhammadan intentions, since Mr. Muhammad Ali announced there that if the Amir of Afghanistan

**REVISION OF TUR-
KISH PEACE TERMS.**

**MR. MUHAMMAD
ALI'S SPEECH IN
MADRAS.**

(Reserved Departments)

or any outside power were to invade India with the sole purpose of attacking those whose wish was to subjugate Islam, its Holy Places and the Khilafat, it would be the duty of the Muhammadans not merely to refuse to assist the Government but to gird up their loins and fight the good fight for their religion. Mr. Gandhi had eventually, in view of the feeling this and other speeches by the Ali brothers aroused, to define his attitude though this did little to alleviate Hindu anxiety and suspicion. He said that should a war on purely political grounds break out between Afghanistan and Britain he and the Hindus would remain neutral except for continuing the non-co-operation movement, but if the war happened to be fought on religious grounds, the Muhammadans joining in and thus breaking their pact with him, he would promptly call upon the Hindus to rise and defend India against Islam. The Ali brothers' speeches grew in violence of tone. Government had in November 1920 announced their policy towards the non-co-operation movement as such, declaring among other things, that they would deal promptly under the law with anyone inciting to violence. Mr. Gandhi, in a special effort to save the situation, had an interview with the Viceroy which resulted in an apology being published by the Ali brothers.

ALI BROTHERS'
APOLOGY.

They, however, soon recanted. At the Gujarat Khilafat Conference held at Broach on the 2nd June 1921, Mr. Muhammad Ali, who presided, attempted to explain that his so-called apology was in reality an expression of regret to some of his friends and that he owed no apology to Government, which had still to make amends for the Jallianwalla Bagh and the "crawling order." He then went on publicly to declare the right to take up arms against the enemies of Islam, should non-co-operation be found to have failed to get them their demands and should a *jehad* be proclaimed in terms of the law of Islam.

323. About the same time a *fatwa* appeared over the signatures of Abdul Bari and Abul Kalam Azad, two Muslim divines, to the effect that if Britain departed from her attitude of neutrality and joined Greece against Turkey, she would immediately be "in a state of war with Islam." The Turks had by this time set up an independent government at Angora under Kemal Pasha. The Khilafatists reaffirmed the *fatwa* at a conference at which they also passed a resolution that the Government of Angora was the only remaining Muhammadan power on whom the fate of Islam rested. The Ali brothers with Dr. S. Kitchlew toured the Deccan in June 1921 and in the course of speeches, violent in tone, they continued to press the subject of a conditional Muhammadan revolt. They appealed to the police and military sepoy to leave Government service in the event of Britain joining Greece and, at a Khilafat conference at Gokak in the Belgaum District in the same month, they gave utterance to their view that the first stage of the non-co-operation movement had been passed and the time had come for the military

FATWA BY MUSLIM
DIVINES.

APPEAL TO POLICE
AND MILITARY SEPOYS
TO LEAVE GOVERN-
MENT SERVICE.

(Reserved Departments)

and police to lay down their arms and for civil disobedience to be started. A resolution was passed in which it was declared that if Britain in any way assisted Greece against Angora the Muhammadans were forbidden by their religion to remain in the army or to assist in recruitment thereto and further, that civil disobedience would be started, with the consent of the Congress Working Committee, and complete independence and the commencement of an Indian republic declared at the annual session of the Congress to be held at Ahmedabad in December. Early in July, the Khilafat Non-co-operation Sub-Committee, presided over by Mr. Gandhi, issued a statement giving its view that it was high time that soldiers refrained from joining the army and that Indian soldiers should refuse to assist the British Government should it require them to fight the Turks.

324. This was the position when the 7th All-India Khilafat Conference met at Karachi from the 8th to the 10th July 1921, with Mr. Muhammad Ali in the chair. In his presidential speech he declared for the independence of India and the formation of an Indian republic in December and added that they were going to turn out the British bag and baggage, stop all enlistment and teach the Khilafat principles to the existing troops. Violent speeches were made urging the adoption of a further step in the non-co-operation movement, viz., civil disobedience. The sixth resolution passed at the conference was:—

SEVENTH ALL-INDIA
KHILAFAT CON-
FERENCE AT KARACHI,
1921.

"This meeting of the All-India Khilafat conference heartily congratulates Ghazi Mustafa Kemal Pasha and the Angora Government upon their magnificent victories and the success of their most desperate (or self-sacrificing) endeavours in upholding the laws of Islam, and this meeting prays to Almighty God that they may soon succeed in expelling the whole of the armies of the foreign Governments from every nook and corner of the Turkish Empire. In addition this meeting clearly proclaims that it is in every way religiously unlawful for a Mussalman at the present moment to continue in the British Army, or to enter the Army, or to induce others to join the Army. And it is the duty of all the Mussalmans in general and the Ulemas in particular to see that these religious commandments are brought home to every Mussalman in the Army. Furthermore, this meeting also announces that if the British Government were to take any measures against the Angora Government, directly or indirectly, openly or secretly, then the Mussalmans of India will be compelled to commence breaking law, i.e., civil disobedience, with the concurrence of the Congress, and to proclaim in the forthcoming annual session of the Congress Committee to be held at Ahmedabad the complete independence of India (and the Indians and the establishment of a republican government in India."

The resolution was moved by Mr. Muhammad Ali and supported by Moulvi Husain Ahmad, Dr. Kitchlew, Pir Ghulam Mujadid, Moulvi Nisar Ahmad, Bharat Krishnatirthaji *alias* Venkataraman (a Hindu) and Mr. Shaukat Ali.

325. After the interval necessary for the examination of the voluminous evidence, the Government of Bombay, with the approval of the Government of India, authorised the prosecution of those named above. They were arrested about the middle of September 1921 and tried under sections 120B, 131 and 505, Indian Penal Code, and convicted on the 1st November, except the Hindu who was found not guilty on all the charges and

THE TRIAL AND
CONVICTION OF THE
ALI BROTHERS AND
OTHERS.

(Reserved Departments)

acquitted. The remaining accused were found not guilty of the charges under sections 120-B and 131. Mr. Muhammad Ali was found guilty under sections 505, and 117 read with section 505 and section 131, and given two years' rigorous imprisonment under each, the sentences to run concurrently. The remainder were found guilty of offences under section 109 read with section 505 and sections 109 and 117 with 505 and 131, Indian Penal Code, and sentenced to two years' rigorous imprisonment on each count, the sentences to run concurrently.

About the time of the Karachi Khilafat conference, another fatwa known as the "Mutafiqa Fatwa" appeared. It "MUTAFIQA FATWA" advocated boycott of the Councils, law courts and Government or Government-aided schools and colleges, and declared all Government service, particularly the army and the police, to be religiously forbidden and therefore a serious sin. This document was forfeited to Government.

326. At the time of the Karachi arrests, Mr. Gandhi published an article "Tampering with loyalty," which was more or less a brief for the Ali brothers and their recent policy. At the same time he published an open letter to the Mussalmans of India, in which he expressed himself satisfied of the innocence of the brothers and urged the Muhammadans, as he had urged the Hindus in his other article just mentioned, to repeat the formula of the brothers regarding the duty of soldiers and thereby invite punishment. The Congress Working Committee backed up his idea by passing a resolution to that effect. There was an increase in the number of public meetings held at many places at which the Karachi resolution in most instances, watered down, was re-affirmed, but the general theme of the speeches delivered was non-violence and boycott of foreign cloth.

MR. GANDHI SUP-
PORTS THE ALI
BROTHERS.

IV.—CIVIL DISOBEDIENCE

327. Between the Karachi conference and the prosecution of the principal actors, Mr. Gandhi found himself obliged to take active steps for the repair of the rents appearing everywhere in the fabric of Hindu-Muslim unity. To reassure Hindu sentiment, which was much exercised by the intolerance displayed at Karachi, he proclaimed his belief that the Ali brothers did not really intend to depart from the principle of non-violence; while the demand for independence, even if not universally acceptable, was perfectly permissible under the Congress creed. For the rest, Mr. Gandhi threw his influence into the task of curbing the impatience of his over-enthusiastic followers. In certain provinces in Northern India, the non-co-operators, both Hindu and Muslim, had deluded themselves into supposing that they had already broken the power of Government. They insistently demanded that

ALL-INDIA CONGRESS
COMMITTEE MEETING,
BOMBAY. JULY 1921.

(Reserved Departments)

civil disobedience to constituted authority should be proclaimed, and that a "national" structure of administration, parallel in every respect to the established machinery of Government, should be erected in readiness for the coming of Swaraj towards the end of the year. Whatever sympathy Mr. Gandhi may have had with their ultimate objects, his attitude towards the leaders of this school seems to have been conditioned by his perception that the country was not "educated" to the paramount essential of advance along these lines, namely, rigid adherence to the principle of non-violence. When the All-India Congress Committee met in Bombay from the 26th to the 30th July 1921, its important feature was the undoubted sway held by Mr. Gandhi over the Committee. He put the complete boycott of foreign cloth in the forefront to be attained by the 30th September (this was actually an extension by two months of the period already fixed by him), to decide whether the country would be fit to adopt civil disobedience. Along with this resolution, other resolutions were passed for the boycott of the visit of the Prince of Wales and of liquor shops. All talk of the formation of an Indian republic or of independence at the end of the year was quietly relegated to the background. The decision to initiate civil disobedience, if a complete boycott of foreign cloth were established by the date fixed, met with some sturdy opposition on the ground that only the Indian National Congress itself had the power to

sanction it. In its resolution on the subject the CIVIL DISOBEDIENCE. Committee recommended the postponement of civil disobedience until the cloth boycott had been achieved, but permitted it under certain circumstances, such as leaving it open to any province or place to adopt it, if it thought it to be necessary over any repressive or unjust official measure, provided it first obtained the approval of the Congress Working Committee through the Provincial Congress Committee concerned.

328. No sooner was this meeting over than there broke out in the Malabar territory of the Madras Presidency the terrible tragedy, commonly known as the "Moplah Rebellion." "THE MOPLAH REBELLION." Rebellion or Outbreak." The main brunt of the Moplah attack was borne by the Hindus who were subjected to fearful atrocities. The result came as a severe shock to the fabric of Hindu-Muslim unity, and served considerably in checking developments in the matter of civil disobedience.

329. When the Congress Working Committee met at Bombay on the 5th October, i.e., after the period allowed for the complete boycott of foreign cloth, which had not taken place, it passed a resolution authorising, not general civil disobedience but civil disobedience by individuals who might be prevented in their prosecution of the Swadeshi programme and the boycott of foreign cloth. This individual civil disobedience was subject, however, to the previous sanction of the. MEETING OF THE CONGRESS WORKING COMMITTEE, BOMBAY. OCTOBER 1921. INDIVIDUAL CIVIL DISOBEDIENCE.

(Reserved Departments)

Provincial Congress Committee concerned as to the assurance of a non-violent atmosphere being retained. The All-India Congress Committee met at Delhi on the 4th and 5th November 1921, and there passed a resolution introducing the final stage of the non-co-operation movement,—civil disobedience on a mass scale and also individually, including the non-payment of taxes. To Mr. Gandhi had been ascribed the statement that “Swaraj” would be obtained by the end of 1921, and the All-India Congress Committee resolution, after pointing out the short time left for this and referring to the calm with which the Ali brothers’ arrest and imprisonment had been received, authorised every province, on its own responsibility, to undertake civil disobedience and the non-payment of taxes, in such manner as was considered the most suitable. Certain restrictions were, however, laid down. In the case of individual civil disobedience, the person concerned must have discarded foreign cloth and must believe not only in Hindu-Muslim unity, but in the unity of all communities, and in non-violence as an absolute essential for the redress of the Khilafat and Punjab wrongs. Finally, by his conduct, he had to show his disregard for “untouchability.” In the case of mass civil disobedience, the vast majority of the population of any district or smaller area, where it was to be initiated, must have adopted Swadeshi and be clad in khaddar, spun and woven by hand in that area. Every civil resister had to be self-supporting, both for himself and his family, as the Committee declined to provide for him in the event of his arrest and imprisonment. The final clause of the resolution delegated authority to the Working Committee to allow a certain amount of relaxation in the conditions, if necessary. That the All-India Congress Committee was not too sanguine in the matter of civil disobedience is shown in the next resolution it passed which expressed dissatisfaction at the results achieved so far in obtaining a complete boycott of foreign cloth which, as has been shown, was the “acid test” for civil disobedience.

330. It was left to Gujarat, Mr. Gandhi’s own province, to lead the way. Mr. Gandhi defined complete civil disobedience as “rebellion without the element of violence in it,” an out-and-out civil resister being one who simply ignored the authority of the State. Preparations for starting the movement were commenced in the Surat and Kaira districts of Gujarat.

331. While these preparations were under way, His Royal Highness the Prince of Wales landed in Bombay on the 17th November 1921, and on that day and the two succeeding days, serious rioting broke out in Bombay City. It was directed against the Parsis and Europeans, the former for having taken part

ALL-INDIA CONGRESS
COMMITTEE MEETING,
DELHI. NOVEMBER
1921. INTRODUCES
FINAL STAGE OF
NON-CO-OPERATION
MOVEMENT.

PREPARATIONS FOR
CIVIL DISOBEDIENCE
IN GUJARAT.

THE PRINCE OF
WALES LANDS IN
BOMBAY. RIOTING IN
BOMBAY CITY.
NOVEMBER 1921.

(Reserved Departments)

in welcoming the Prince, against whose visit the All-India Congress Committee had declared a boycott, and a hartal on the day of his arrival, and partly also because the majority of liquor shops in the city were owned by them. The day after the riots, Mr. Gandhi who was in Bombay and witnessed them, issued a statement openly admitting his responsibility for them and his inability fully to control and discipline the "spirit of revolt". So strong was the effect upon him that he called off civil disobedience. But the Congress Working Committee which met three days later, did not actually suspend the movement. It contented itself with inviting the attention of the Khilafat and Congress Committees to the necessity of obtaining control of the turbulent element in society and also thought fit to warn them against embarking on mass civil disobedience without first making certain of a peaceful atmosphere.

MEETING OF THE
CONGRESS WORKING
COMMITTEE.

332. The month of December, while it found the Bombay Presidency quiet as a result of the Bombay City riots, saw Upper India in the throes of the movement of civil disobedience on a large scale. Measures taken by the Local Governments concerned under the Criminal Law (Amendment) Act and the Seditious Meetings Act to deal with it were regarded as "repressive" even by the Moderates, who had hitherto been steadily working the Reforms. Attempts were, therefore, made to bring them into the Congress fold by means of a joint conference, but this was not achieved. Nevertheless, certain moderate leaders interviewed the Viceroy and suggested a Round Table Conference so as to bridge the gulf between Government and the non-co-operators, but His Excellency was unable to accept the proposals made as a preliminary to the conference since, while they suggested the removal of the repressive measures, they gave no guarantee that civil disobedience would be suspended.

CIVIL DISOBEDIENCE
IN NORTHERN INDIA
AND MEASURES TO
DEAL WITH IT.

333. The next event of importance was the long-looked-for annual sessions of the Indian National Congress. This was held at Ahmedabad during Christmas week, 1921. Expectations generally were that Mr. Gandhi would, in the strong position he occupied, press for initiation of the final stages of non-co-operation, including the declaration of independence. The draft resolutions for the sessions drafted by the Congress Working Committee merely gave expression to these expectations, but the All-India Congress Committee recast them omitting all reference in the resolution on non-co-operation to the non-payment of taxes and dropping the resolution for complete independence. The probable explanation of this was Mr. Gandhi's desire, still maintained, to bring in the moderates. His principal speech in the opening session and an article in his paper clearly indicated an endeavour to rally all shades of opinion under a general appeal for freedom of speech and freedom

THE INDIAN NA-
TIONAL CONGRESS.
ANNUAL SESSIONS,
AHMEDABAD, DECEM-
BER 1921.

(Reserved Departments)

of forming peaceful associations. The necessities of this policy doubtless actuated his determined and successful resistance to the attitude of a section of the delegates and the motions they brought forward, not only during the Congress sessions but also at the Khilafat annual conference, held at the same place and about the same time, in favour of non-violence being made conditional and of a declaration of complete independence. Although they failed to carry the latter point at both sessions there was a substantial measure of sympathy evinced, and it was understood that till Mr. Gandhi got up to oppose the motion, moved by Mr. Hazrat Mohani, in the Congress session, the speeches in favour of it had aroused great enthusiasm and it looked as if it would have been carried by a large majority. Efforts were also made, it is believed, by Pandit Madan Mohan Malaviya to secure Mr. Gandhi's adhesion to a round table conference on terms which could be accepted by the Government of India. Mr. Gandhi appeared willing if such a conference could be arranged. The first resolution passed at the sessions was in itself an indication of a desire to bring in the Moderates. It started by re-affirming the decision of the Congress to continue the programme of non-violent non-co-operation but decided in view of the repressive policy of Government to suspend all congress

VOLUNTEER ORGANISATIONS.

activities and to concentrate instead on the formation of "Volunteer Organisations," with a particular appeal to students to enrol. Each volunteer had to sign a pledge of non-violence in thought, word and intent, to promote unity, develop swadeshi, seek to remove untouchability and, finally, to make no claim on the Congress for financial support if he underwent arrest and imprisonment. Another resolution decided that mass and individual civil disobedience should be organised only when the people had been sufficiently trained in the methods of non-violence. For this purpose all other Congress activities were to be suspended whenever and wherever and to the extent found necessary. By another resolution Mr. Gandhi was appointed Dictator.

The All-India Khilafat Conference was held at the same time and place. The formation of a Khilafat Volunteer Corps to work in co-operation with the Congress Corps was urged. A resolution aiming at "Complete Independence" was sought to be moved but was disallowed.

The All-India Muslim League also held its session at the same time and place. Mr. Hazrat Mohani, the principal advocate of complete independence, presided, and gave full rein to his pet subject. For this speech and for the one delivered by him in the Congress session on the same subject he was prosecuted by the Government of Bombay under section 124-A, Indian Penal Code, convicted and sentenced to two years' rigorous imprisonment.

334. The All-India Congress Committee met immediately after these sessions and decided that civil disobedience should not be started anywhere till the 15th January 1922.

(Reserved Departments,

On the 14th and 15th of this month a "Representative Conference" was held at Bombay in an endeavour to bring about a rapprochement between the non-co-operators and Government. Mr. Gandhi attended in his personal capacity, but disappointed those present by refusing to compromise, so much so that the moderate president resigned in disgust. Mr. Gandhi, however, in view of an undertaking he gave at the conference, got the Congress Working Committee to further suspend civil disobedience till the end of January.

335. On the 29th January a conference was held in the Bardoli Taluka of the Surat District at which a resolution was passed to start mass civil disobedience by refusing to pay taxes and to face the consequences. On the 1st February Mr. Gandhi sent his "ultimatum" to the Viceroy. He stated that if he failed to get a satisfactory reply by the 11th February he would commence civil disobedience. He referred in it to the Bardoli decision and then declared that a campaign of civil disobedience had been forced on the non-co-operation party in order to secure the elementary rights of free speech, free association and a free press. These rights, he asserted, the Government had sought to repress by its recent application of the Seditious Meetings Act and the Criminal Law Amendment Act. He charged the Viceroy with having summarily rejected the proposal for a conference, although the terms accepted by the Working Committee were in accordance with the requirements of His Excellency as indicated in his speech at Calcutta. He announced at the same time that should the Government agree to the release of all prisoners convicted and under trial for non-violent activities and undertake to refrain absolutely from interference with the non-co-operation party, he would be prepared to postpone civil disobedience of an aggressive character till the persons then in jail had had an opportunity of reviewing the whole situation. He insisted, however, on continuing the propaganda of non-co-operation, and the preparations for civil disobedience. At Bardoli, Mr. Vithalbhai J. Patel, at a meeting, explained that the civil disobedience resolution passed by the Bardoli Taluka conference, already referred to, meant the non-payment of all taxes to Government. He urged police patels and all Government servants to resign. Mr. Gandhi himself, after the conference, set about initiating an intensive campaign in the taluka, which was divided for the purpose into 14 areas, each area under a leader. House to house visitations were conducted and meetings held, where social boycott, the withdrawal of services from friends of Government, and refusal to work for or supply transport to Government officials were threatened and in some cases actually put into force. Mr. Gandhi also started the issue of a daily leaflet in Gujarati instructing the people what they should do. In short civil disobedience, if successful, meant bringing Government within that area to a standstill and the setting up of a national system of Government based on the local Congress and Khilafat organisations. It is to be remembered that Bardoli

(Reserve Departments)

was only the starting point of the movement. If it succeeded there it was to be extended from taluka to district, from district to province, until the existing system of Government was brought to its knees and the government of Mr. Gandhi and his party set up.

336. Instead of capitulating, as Mr. Gandhi appeared to believe they would, Government issued a powerful and closely reasoned statement in which they repudiated *in toto* Mr. Gandhi's assertion that they were responsible for the campaign of civil disobedience being put in force or that the Viceroy had summarily rejected the proposals for a round table conference, and concluded with a warning that mass civil disobedience, if adopted, would be met with sternness and severity. Mr. Gandhi's position thus became more difficult than ever. He had entirely failed to overawe the Government of India. The Liberal Party showed no signs of changing their attitude. He was practically thrown back on his final resource and threat, namely, civil disobedience; but he made a last effort to win over the Moderates by issuing a reply, which indeed convinced few, to the official communique. As a matter of fact, the Indian Legislative Assembly which was in sessions at the time approved the action taken by the various Local Governments in Northern India to deal with civil disobedience.

337. While Mr. Gandhi was busy with his preparations at Bardoli, there occurred a grave disorder of the very type which he so obviously feared. This was the terrible outrage at Chauri Chaura on the 4th February, in which some 21 policemen and rural watchmen were murdered by a mob of 'volunteers' and infuriated peasantry. Both the brutality of this outrage and its unprovoked character combined to deal the final blow to Mr. Gandhi's hopes of immediate success. Responsible opinion all over the country, irrespective of creed and race, was horrified at this sudden revelation of the appalling possibilities of non-co-operation. Men felt that they had been walking on the brink of an abyss into which, at any moment, they might be precipitated. Mr. Gandhi did not hesitate when the news of the massacre reached him. He held an emergency meeting of the Congress Working Committee at Bardoli on the 11th and 12th February. It was resolved to suspend mass civil disobedience forthwith and also every preparation of an offensive nature. Everything, in fact, was called off, except the picketing of liquor shops which was to be carried out by volunteers of known good character, but the resolution expressed its preference for house to house visits and for reliance being placed on appeals rather than on picketing.

338. A constructive programme was then drawn up in place of these suspended activities. Its principal items were—

- (a) enlistment of a crore of Congress members;
- (b) popularization of the spinning wheel and hand spun and woven cloth;

(Reserved Departments)

- (c) organisation of national schools ;
- (d) removal of untouchability ;
- (e) removal of the drink evil ;
- (f) organisation of Lavad or Arbitration Courts.

339. The All-India Congress Committee met at Delhi a fortnight later. So great was the shock and disappointment caused by Mr. Gandhi's action at Bardoli, that he needed all his personal ascendancy, even over his immediate followers, to save him from overwhelming defeat. The Maharashtra delegates bluntly told him that his action had culminated in national humiliation. The extreme Khilafatists were even more dissatisfied. Mr. Gandhi was compelled eventually to modify to some extent the severity of the Bardoli resolution of suspension. While he won as regards mass civil disobedience, he had to give in and permit individual civil disobedience which, however, it is to be noted, was defined in a manner which made the distinction between it and mass civil disobedience of little practical moment. He had also to agree to the boycott of foreign cloth on the lines of the Bardoli resolution on liquor. On these conditions the Bardoli resolutions were re-affirmed in name only.

ALL-INDIA CONGRESS
COMMITTEE MEETING,
DELHI, FEBRUARY
1922.

V.—THE TRIAL AND IMPRISONMENT OF MR. GANDHI

340. From Delhi Mr. Gandhi returned to Bardoli to supervise the "constructive programme" so as to make the taluka fit for civil disobedience. In view of these preparations, with a view to launching civil disobedience at an early date, made in spite of the repeated lessons of the rebellion in Malabar and outbreaks from time to time throughout India, culminating in the disorders in Bombay City during H. R. H. the Prince of Wales' visit and the massacre at Chauri Chaura, especially the two latter which Mr. Gandhi himself had to admit were directly due to his own miscalculations and the general lack of appreciation of and adherence to the principles underlying his campaign, it was considered that the time had arrived when it was necessary to take action with a view to putting a period to his activities. Early in March rumours reached him of his probable arrest. He thereupon issued instructions through his paper "Young India" that if that happened there should be no hartals, demonstrations or processions. All that the country should do was to endeavour strenuously to complete, as speedily as possible, the constructive programme. He, and Mr. Banker, the printer of "Young India", were arrested at Ahmedabad on the 10th March 1922 for offences under section 124-A, Indian Penal Code, in respect of certain articles published in the paper between the months of September 1921 and February 1922. Both the accused pleaded guilty to the charge and were convicted and sentenced by the Sessions Court of Ahmedabad, Mr. Gandhi to two years' simple imprisonment on each count and Mr. Banker to one year's simple imprisonment and a fine of Rs. 1,000 or six months' further imprisonment in default.

(Reserved Departments)

341. The Congress Working Committee met at Ahmedabad on the 17th and 18th March 1922 and passed a resolution which congratulated the country on its observance of perfect peace during Mr. Gandhi's arrest and trial, as a striking proof of the progress of non-violence. The resolution then went on to make it clear that the arrest made no change in the Bardoli-Delhi programme, and it called upon all the Congress organisations to develop the "constructive programme," emphasis being laid particularly upon the adoption of the spinning wheel and the consequent greater development of khaddar. Nevertheless, the removal of Mr. Gandhi from the scene of his activities was responsible for a decline in the non-co-operation campaign.

MEETING OF THE
CONGRESS WORKING
COMMITTEE, AHMED-
ABAD, MARCH 1922.

THE DECLINE OF
NON-CO-OPERATION.

VI.—RIOTS ARISING OUT OF THE NON-CO-OPERATION CAMPAIGN AND AGITATION IN THE BOMBAY PRESIDENCY AND SIND

342. Before dealing with the further decline of the movement of non-co-operation, till its suspension in 1924, it is necessary to deal with the disturbances which occurred in the Bombay Presidency and Sind as a direct outcome of the agitation when the movement was at its height. There were four such riots between the months of April and November 1921 inclusive, at Malegaon, Dharwar, Matiar and Bombay City.

Malegaon is a small town in the Nasik district, in which Muhammadans of the Momin or weaver class predominate. The town received special attention at the hands of the Khilafat Party leaders including Mr. Shaukat Ali, and had its own Khilafat Committee, which had been formed early in 1920. After Mr. Shaukat Ali's visit, national schools were started. To keep them going a levy of $\frac{1}{4}$ anna per sari sold by the weavers was imposed by the Khilafat Committee. This levy soon became a cause of irritation, particularly when it was realised that the fund was being used for purposes other than that for which it had been started, such as paying the travelling expenses of non-co-operation and Khilafat agitators. The principal opponents were those Hindus and Muhammadans who did not agree with the policy of non-co-operation, and there were many in the town. Complaints were made to the authorities that the Khilafat volunteers of the Khilafat Committee, who habitually carried swords and sticks when making house to house visits to collect the levy, had made use of methods of coercion and intimidation. The District Magistrate of Nasik issued orders prohibiting the carrying of these swords and sticks. The volunteers gave up their swords but did not surrender their sticks which they continued to carry on their "collection" errands. Finally a case was lodged against six of them for violating the conditions of the District Magistrate's order. Their conviction on the 25th April 1921 led to a serious riot and to firing by the police, who, however, were beaten back and forced to take shelter in the houses near by. A Hindu temple and adjoining property, in which

MALEGAON, 25TH
APRIL 1921.

(Reserved Departments)

a Sub-Inspector of police and a constable had been compelled to take refuge from the violence of the mob, were burnt down and the police officers brutally murdered, their bodies being afterwards burnt by the rioters. The Taluka and Resident Magistrates escaped with their lives by fleeing into the jungle. The telegraph wires were cut and an attempt was made to hold up the mail tonga. The next morning the mob, including the volunteers, marched on the Treasury and demanded the release of the six prisoners, who were at once released to prevent further bloodshed. The funeral of three Momins, who were shot by the police, was celebrated with great pomp and ceremony and oaths were administered to all present enjoining them to reveal nothing of what had happened so far. On return from the burial ground, several houses of non-Khilafatists were looted and some of these people were dragged before a mass meeting and heavily fined. Military and police reinforcements arrived on the night of the 26th, and these soon succeeded in restoring matters once more to normal. As a result of the rioting and the murders, 4 of the rioters were sentenced to death, 9 to transportation for life, and 52 to terms of rigorous imprisonment varying from 3 to 7 years.

343. There was in Dharwar a Khilafat Committee which in April 1921 had joined in the temperance movement and had appointed "volunteers" to picket the liquor and toddy shops. As long as these volunteers confined themselves to peaceful persuasion no objection was taken by the authorities, but when they began to transgress the law it became necessary to interfere. In May 1921 a sweeper who had been drinking was seized by two volunteers and a fine forcibly levied from him. He complained to the police, who prosecuted the two volunteers for robbery, the case being tried by the Mamlatdar and First Class Magistrate. It excited a good deal of interest in the town and when judgment was delivered on the 1st July at 2 p.m., there was a crowd of about 1,000 persons near the court premises. The volunteers were convicted and sentenced to six months' rigorous imprisonment. The decision created great indignation and a stone was thrown at the District Superintendent of Police who was present. The convicts were led to jail under strong police escort and were followed by a large crowd who openly expressed sympathy with them. Stones were thrown into the jail and it was found necessary to admit the convicts and their escort through a side entrance because the crowd threatened to rush the main entrance. On breaking up, a portion of the crowd went to the house of the liquor-shop keeper, at whose shop the sweeper had had his drink, threw stones at it and roughly handled his servant. Attempts were then made to observe a *hartal* as a protest against the conviction. In the evening stone throwing at the liquor-shops commenced and those found visiting them were assaulted. A Parsi timber contractor was also molested and stoned. Three attempts were made to set fire to a liquor-shop and the police were stoned while attempting to extinguish the flames. They were compelled to retreat and the mob then rushed the shop and damaged the property

DHARWAR, 1ST JULY
1921

(Reserved Departments)

inside. On the arrival of the sub-inspector who had arrested the convicted volunteers, with police reinforcements, the mob lost all self-control and stoned the police, not a few of whom were hit and injured, including the sub-inspector, some seriously. After repeated, but unheeded, warnings to disperse, the order to fire was given, several constables firing into the air, they being so hemmed in by the crowd that they could not bring their guns down to the necessary level. No one being hit the crowd thinking that blank ammunition had been used came on throwing stones. Another warning, followed by a second volley, which caused several casualties, led to the retreat of the mob, but when a Kitson light brought by a further crowd revealed two bodies lying in front of the police another rush was made, and firing was resorted to for the third time. This had the desired effect. There were no more rushes or attacks, and shortly afterwards the District Magistrate and the District Superintendent of Police arrived. The crowd then gradually dispersed.

Twenty-seven arrests were made in due course, and of these twenty-three were convicted and sentences of varying severity inflicted.

344. The local District Congress Committee conducted an intensive platform campaign in the town and a press campaign, chiefly through the columns of the "Bombay Chronicle" of Bombay, in which the Sub-Inspector of Police, the District Superintendent of Police and the District Magistrate were accused of being the murderers of the two men killed through the police firing, endeavours also being made to show that "the whole affair of shooting was prearranged and deliberate," and that the firing was "wanton, unprovoked and without warning." The All-India Congress Committee appointed commissioners to investigate the case. Their finding was that the riot had been caused by the provocative attitude of the Government officers, particularly that of the Sub-Inspector of Police. The same Committee also passed

ALL-INDIA CONGRESS
COMMITTEE MEETING,
BOMBAY RESOLUTION
ON MALEGAON AND
DHARWAR RIOTS.

a resolution at its meeting in Bombay at the end of July 1921 deploring the excesses committed at Malegaon and another place in Northern India, advising Congress organisations to inculcate among the people the spirit of non-violence, and whilst condemning "these isolated instances of popular violence," the resolution went on :

"the Committee desires to congratulate the people of India upon their having exercised complete self-restraint, notwithstanding grave provocation given by the local authorities as in Dharwar, Matiar" (and other places in Northern India).

For certain remarks made on the alleged misconduct of the Sub-Inspector of Police, the District Superintendent of Police and the District Magistrate of Dharwar in this riot case, the "Bombay Chronicle" was afterwards sued by them for defamation and was heavily fined.

345. During the month of June 1921, there were signs of a set-back to the non-co-operation and Khilafat agitation in Sind, especially in districts like Hyderabad, where the set-back had been made more prominent by the

MATIARI, 21ST JULY
1921.

(Reserved Departments)

efforts of anti-non-co-operation associations known as "Aman Sabhas" or "Leagues of Peace and Progress." These sabhas had been but recently formed and were joined by influential men who by speeches and press articles exposed the illogical and self-seeking attitude of the agitators against Government. While one of these meetings was on the evening of the 21st July 1921 being held at Matiar in the Hyderabad District, the headquarters of Pir Ghulam Mujadid, one of the leading Khilafatists, a large crowd of Khilafatists collected and threw stones at it and became riotous. Firing was resorted to by the only armed constable present, resulting in one killed and nine injured, none seriously.

346. It has already been stated that one of the resolutions passed by the All-India Congress Committee at its meeting in Bombay at the end of July recommended that the country should refrain from participating or assisting in any welcome to His Royal Highness the Prince of Wales on his visit to India or in any functions organised officially or otherwise in connection with the visit. The reason for the boycott was, so the resolution declared, because the Committee regarded the proposed visit as a political move, made at the time of growing unrest and discontent at the failure of Government to respond to the popular will, and one calculated to give strength and support to a system of Government that "had resulted in a breach of faith with the Mussalmans of India and atrocious injustice to the people of India as during the martial law days of 1919 in the Punjab, and a system that is designed to keep India as long as possible from her birth-right of Swaraj."

On the 17th November the Prince of Wales landed in Bombay and was given a cordial welcome. The *hartal* organised by the non-co-operators for that day was a failure. On the same morning the third bonfire of foreign cloth took place, about 25,000 people attending. The objects of the meeting, besides serving the purpose of a counter-attraction in the shape of a bonfire and the presence of Mr. Gandhi, were two-fold, (a) the boycott of foreign cloth and (b) the boycott of the Royal visit. When the meeting dispersed numbers of those who attended it went to Charni Road and Marine Lines and signalled their arrival by insulting those who were returning home after viewing the Royal procession. Disorder thereafter became general in the city, there being little or no resistance since the police forces were temporarily at a disadvantage, being busily engaged with matters connected with the Royal visit and the procession. Trouble was not anticipated, actually it was accidental and was in all probability the outcome of the general spirit of intolerance engendered by the non-co-operation campaign and of resentment at the failure of the *hartal* and boycott. The rioting which lasted for three days, resulted in the burning down of four liquor-shops and looting and damage to no less than 135. Two Anglo-Indians, 1 American and 2 Parsis were murdered, the Parsis especially (along with the Europeans), being made the common object of the attack because they welcomed the Prince and were the principal owners of liquor-shops.

BOMBAY CITY, 17TH
TO 19TH NOVEMBER
1921.

*(Reserved Departments)*VII.—THE DECLINE AND SUSPENSION OF NON-CO-OPERATION,
1922-1924

347. In the concluding portion of Chapter IV it has been shown briefly how the non-co-operation campaign rapidly declined after the suspension of civil disobedience and other direct activities and the arrest and imprisonment of Mr. Gandhi. Hardly had he been imprisoned when dissension broke out in the Congress ranks over the question of the best and speediest methods to obtain *Swaraj*. The Maharashtra Nationalists, who, as has been shown, were never in favour of the boycott of the reformed legislatures, came out into the open urging the revision of the non-co-operation programme, particularly as regards the boycott of the Legislative Council. The split widened till finally a compromise was patched up and a Congress Civil Disobedience Enquiry Committee was appointed. Its main object was to find out if the country was ready for general civil disobedience, but so keen was the division over the question of Council-entry that most of the Committee's time was devoted to this item. When the Committee, which was appointed in June, came to consider the evidence it had collected in six months' tour in India, they found that the country was not fit to embark on general mass civil disobedience and that they were equally divided on the question of Council-entry. The Central Khilafat Committee also appointed a similar Committee. It decided in favour of the continuance of the boycott of Councils, but its doings and decisions were hardly noticed, it being completely overshadowed by the Congress Committee, and by the interest then being shown by the Muhammadans in the situation as regards Turkey, which will be touched on in the next section.

At the annual session of the Congress held at Gaya in Bihar and Orissa in December 1922, the President, Mr. C. R. Das, **THE SWARAJ PARTY.** who was in favour of the policy of entering the legislatures, endeavoured to secure his object but failed. He then resigned the presidentship and formed a new party within the Congress which he styled "The Congress-Khilafat Swaraj Party," and which is now generally known as the "Swaraj Party."

348. Apart from Hindu-Muslim tension which had begun to raise its head in 1922, the year 1923 was one of continued **THE YEAR 1923.** dissension in the Congress ranks with "compromises" being reached now and again till in September, at a special session of the Congress held in Delhi, Mr. Das succeeded in turning the tables upon the No-Changers by getting a resolution passed which permitted such Congressmen as had "no religious or conscientious objections" against entering the reformed councils to stand as candidates and to exercise their right of voting at the elections. The Swaraj Party contested the elections in November 1923 and, owing to their excellent party organisation and the keenness of their candidates and agents, they succeeded in capturing 29 out of the 86 seats open to election in the Bombay Legislative Council. These 29 seats included

(Reserved Departments)

26 out of the 46 seats in the non-Muhammadan constituencies, 1 in a special constituency and 2 out of the 27 Muhammadan seats. They therefore made the largest solid group of opposition in the Council. Out of the 16 Bombay seats in the Indian Legislative Assembly, the Party secured 6.

The Party's position was further strengthened when the annual session of the Congress at Cocanada in December 1923 confirmed the Delhi resolution on Council-entry.

349. Mr. Gandhi was released, owing to a serious illness and operation,

THE YEAR 1924.

RELEASE OF
MR. GANDHI.

on the 5th February 1924. The leaders of the Swaraj Party got into conversation with him to win him to their side. All he consented to, pending further consideration of the matter, was to allow them to continue as members of the legislatures. But he made an endeavour at Ahmedabad in June to oust them from offices in the Congress organisation. He succeeded in getting his resolutions passed at the All-India Congress Committee meeting, but finding the minority so large that, if the Swarajists, who had walked out as a protest on their objection to the resolutions being unconstitutional being overruled, had voted, the minority would have become a majority of 20, he surrendered to them. It was agreed that the Swarajists should work the constructive programme and join the Working Committee and that they in turn should be free to give effect to the Delhi-Cocanada resolution on Council-entry. The result of this meeting was to restore the *status quo* and a united Congress seemed as far off as ever. Mr. Gandhi himself admitted that he did not know where he stood. More negotiations between him and the Swarajist leaders followed, which ended in November 1922 in the signing of a "Pact" between Mr. Gandhi and Messrs. Das and Nehru which suspended non-co-operation. The pact recommended—

(i) that non-co-operation should be suspended except in so far as it related to the refusal to wear or use cloth made out of India ;

(ii) that different classes of work in the Congress might be done by different sections within it, but all sections should work for the spread of hand-spinning and hand-weaving and of hand-spun and hand-woven khaddar, the promotion of unity between the different communities and by Hindus the removal of untouchability. The work in connection with the legislatures should be carried on by the Swaraj Party *on behalf of the Congress as an integral part of the Congress organisation*, the Swaraj Party making its own rules and raising and administering its own funds ;

(iii) that the spinning franchise resolution of the Congress should be repealed but that no one should be a member of any Congress Committee or organisation unless he wore khaddar at any political and Congress functions and while engaged in Congress business, and contributed 2,000 yards of evenly spun yarn of his own spinning or,

(Reserved Departments)

in case of illness, unwillingness or any such cause, a like quantity spun by any other person.

THE CONGRESS
SUSPENDS NON-CO-
OPERATION *sine die*.

At the annual Congress session at Belgaum in December 1924, Mr. Gandhi presiding, the "pact" was affirmed.

VIII.—THE MUHAMMADAN POSITION

1922-1924

350. The suspension of all activities in the non-co-operation campaign at Bardoli in February 1922 came as a bitter blow to the Khilafatists with their clear-cut religious policy for the preservation of the Khilafat and of the Turkish Empire in the position which it had occupied before the World War. They had adopted Mr. Gandhi's policy of non-co-operation as a means of securing these ends, and they took the opportunity now offered to urge that Mr. Gandhi's leadership should be totally repudiated, a point being made that the "Congress" constructive programme was such as to involve a delay that would be fatal to their cause. So far, the Central Khilafat Committee in its annual conferences had merely echoed the Congress policy, but it was now urged that by doing so they had weakened their efforts in putting forward their exact demands on the Khilafat and Turkish questions. In March 1922, the Government of India published for general information the representations they had made to the Home Government, in which they once more laid before that Government their conviction, backed by the local Governments, of the intensity of Muhammadan feeling in India for a revision of the Treaty of Sévres. They urged the evacuation of Constantinople, the suzerainty of the Sultan over the Holy Places of Islam, and the restoration to Turkey of Ottoman Thrace, including Adrianople, and Smyrna. The great bulk of the Muhammadans was generally content to leave the matter in the hands of the Government of India, but the Khilafatists were not. Though the terms of the Turkish Treaty as suggested by the Paris Conference were an appreciable modification of the Sévres Treaty, the Khilafatists did not consider them sufficient, and at the end of March the Central Khilafat Committee decided to be guided henceforth on the Khilafat and Turkish questions and in all subjects pertaining to religion by the Jamiat-ul-Ulema, a small group who constituted the extreme section of the Khilafatists. Their point of view was that Mr. Gandhi's campaign having failed, they were absolved from their promise to observe non-violence.

The agitation carried on till the end of August 1922 was against (a) the alleged hostile attitude of Great Britain and especially of the Prime Minister, Mr. Lloyd George, towards Turkey, with the old threat that Muhammadans would not tolerate British assistance to Greece, (b) the alleged Greek atrocities in Asia Minor, and (c) the possible occupation of Constantinople by Greece. But the situation was changed in September by the defeat of Greece by Kemal Pasha, and in the

(Reserved Departments)

celebrations held to commemorate the victory a noticeable feature was the absence of anti-British feelings and agitation.

Immediately afterwards there arose a delicate situation between the Allies and the Angora Government caused by the incursion of Turkish troops into the neutral zone of the Dardanelles. The successful termination of the Mudania conference and the resignation of Mr. Lloyd George of his office of Prime Minister eased Muhammadan anxiety.

The next shock sustained by the Khilafatists was Kemal Pasha's action in deposing the Sultan-Khalifa and depriving his successor of all temporal power. Thereafter, interest in the movement declined, though the protracted proceedings of the Lausanne conference, which commenced shortly after to consider a further revision of the Turkish Peace Treaty, was closely followed by the Muhammadans. Events nearer home, such as the *shuddhi* agitation of the Hindus to reclaim Hindu converts to Muhammadanism, began to provide much food for thought. An appeal was actually made by a Muhammadan divine to drop the Khilafat agitation in view of the internal danger that was threatened. The happy termination of the Lausanne conference in July 1923 practically put an end to the Khilafat and Turkish agitation, but the extremists, who could not view with equanimity the removal of such a fruitful subject for agitation, now changed their policy back to the original one of the freedom of the Jazirat-ul-Arab and the Holy Places of Islam therein from all non-Muslim control. The net result so far as this presidency was concerned was the convening of a few sparsely attended meetings to pass resolutions giving effect to the new policy.

In March 1924 came the final blow to the Khilafat agitation by the abolition by the Angora Government of the Khilafate and the deposition of the Khalif. The news was at first received with incredulity but as the steps taken came to be recognised as settled, they were received with deep distress and consternation. In many cases it was held to be arbitrary and *ultra vires* in that the rest of the Muhammadan world had not been consulted. As regards the great mass of illiterate Muhammadans, they did not appear to have been affected, probably through ignorance of the developments, especially as the Central Khilafat Committee had directed the retention of the *ex-Khalifa's* name in the *Khutba* prayers.

The Khilafatists thereafter confined their activities to internal matters, such as *tanzim* and *tabligh* in opposition to the Hindu movements of *Shuddhi* and *Sangathan*, both fruitful causes of Hindu-Muslim tension, and to the progress of education and trade in the Muhammadan community, but the Central Khilafat Committee had become a discredited body, to some extent over the matter of the control of its funds.

THE ABOLITION OF
THE KHILAFATE AND
THE DEPOSITION OF
THE KHALIFA: THE
FINAL BLOW TO THE
KHILAFAT AGITATION.

*(Reserved Departments)*IX.—THE POLICY OF GOVERNMENT IN REGARD TO THE
NON-CO-OPERATION CAMPAIGN

351. By the end of October 1920, the non-co-operation campaign was being waged with much vehemence of thought and expression, so much so that there seemed to be considerable danger of the more impetuous of its supporters indulging in speech and action calculated to produce that violence which they proposed to shun. There was disquieting evidence that the leaders of the non-cooperation movement, having failed to secure a favourable verdict from educated India, were being driven to increase the violence of their appeal to the illiterate and ignorant masses and to enlist under the banner of non-cooperation the sympathy and assistance of immature schoolboys and college students—a movement pregnant with the possibilities of serious disorder. The Government of India therefore found it desirable to make plain beyond the possibility of doubt exactly what its policy was towards the campaign. They accordingly published a resolution in the beginning of November 1920, for the information of the public and the guidance of local Governments. In it they said that though they considered the movement to be unconstitutional, in view of its object being the paralysis and subversion of the existing administration of the country, they had instructed local Governments to take action against those persons only who, in furtherance of the movement, had gone beyond the limits originally set by its organisers and who, by speech or writing, had openly incited the public to violence or had attempted to tamper with the loyalty of the army or of the police. They then explained the considerations which had led them to refrain from prosecuting the promoters of the movement. These were :

(a) their reluctance to interfere with the liberty of speech and the freedom of the press at a time when India was on the threshold of a great advance towards the realisation of the principle of self-government within the Empire ;

(b) their reluctance to embark on a campaign against individuals some of whom were probably actuated by honest if misguided motives ;

(c) their trust in the common sense of India and their belief that the sanity of the classes and the masses alike would reject non-co-operation as a visionary and chimerical scheme.

They also impressed upon local Governments the necessity of keeping the closest watch upon attempts to spread disaffection among the masses ; of enforcing general respect for the Law ; and of prosecuting persons guilty of seditious speeches.

From time to time during the year 1921 the above instructions were revised as particular aspects of non-cooperative activity became manifest. In the middle of the year, for example, it was found desirable to issue special orders to deal with the oppression perpetrated by self-constituted "Village Arbitration Committees" or "Lavad Courts", and with the tyranny to which dealers in foreign-cloth and liquor sellers were subjected.

(Reserved Departments)

Local Administrations were encouraged to enquire promptly into all complaints of oppression on the part of non-co-operation arbitration courts and to promise protection to peaceful citizens in the exercise of their right to purchase or sell what goods they liked. The above shows the negative aspect of this policy. On the positive side the authorities trusted both to the enactment of such remedial measures as would remove legitimate, political, agrarian and industrial grievances, and to the organisation of counter-propaganda. Loyal citizens were encouraged to form themselves into Leagues of order, bodies known as "Aman Sabhas" were constituted to undertake publicity work among the masses, and the policy and intentions of Government were explained unwearyingly by both official and non-official workers.

352. Speaking at Belgaum early in August 1921, in reply to an address presented by a Non-Brahman Association, Sir G. Lloyd, the then Governor of Bombay, after referring to the continued and bitter attacks on Government both in the press and on the platform, which in many cases had passed the bounds of legitimate comment, and to the frequent breaches of the criminal law and to the Malegaon and Dharwar riots, as the natural outcome of such incitements, said :—

POLICY OF GOVERNMENT EXPLAINED BY SIR G. LLOYD, THE THEN GOVERNOR.

"It might have been expected that then at least, if not before, the leaders of the campaign against authority would have stayed their hand; that they would have been convinced of the dangers which were bound to arise in the atmosphere they were creating. I hope that even now they will listen to a solemn warning and abandon their attempts to undermine the discipline and respect for law, order and authority.

I must further add that their responsibility is all the more serious now that they have seen once more the consequences of which we have warned them. The part of Government is, however, clear.

Its policy has been patience and toleration, and I intend and my colleagues intend that that policy shall continue, for I have full confidence in the ultimate good sense of the community as a whole and already there are not wanting signs of impatience and disquiet in the public at the exactions and petty tyrannies of some of those who are identified with these movements.

We are fully willing today to make allowances for the impatience of eagerness and for the errors of indiscretion. But let it be clearly understood and always remembered that the first duty of Government is to maintain law and order, and that that duty will be rigidly carried out. The ordinary law of this country was framed for the benefit of the country and for the liberty but not the license of the individual, and infringements of it will be arraigned and punished, wherever they occur."

353. While Government considered that the substitution of arbitration by private bodies or persons for expensive and protracted litigation in the civil courts was in itself not only a reasonable but a desirable principle, they directed that these *panchayats* should not be allowed to assume jurisdiction by force or illegal pressure over persons who were unwilling to submit to it. They also impressed upon district officers the desirability of prompt enquiry into all complaints received of such oppression and the institution of criminal proceedings against the oppressors. The High Court and the Court of the Judicial Commissioner of Sind also issued circulars in the above terms, it being added :—

LAVAD OR PRIVATE ARBITRATION COURTS.

"The proceedings of such courts are apt to mislead people, especially poor and illiterate agriculturists, into the belief that they are regularly constituted Civil Courts. Judicial

(Reserved Departments)

officers are therefore warned to exercise extreme caution when attempts to enforce awards of such self-constituted Courts are made in the Civil Courts. Such awards should not be accepted unless and until the Court is satisfied that both parties voluntarily made a reference to the arbitration of the 'Lavad' Court; and the fact that the 'Court' issued a summons to one of the parties to secure his attendance should *prima facie* be treated as evidence that a subsequent reference to arbitration was not voluntary."

THE TEMPERANCE
CAMPAIGN AND
PICKETING OF
LIQUOR SHOPS.

354. The policy of the Government of Bombay in regard to this campaign was enunciated in a resolution issued by them in August 1921 :—

"Government are in sympathy with all measures directed to encourage temperance provided that the methods adopted are not calculated to lead to the inconvenience or annoyance of the public, or to interfere with lawful vocations and the liberty of the subject or to breaches of the peace and other infringements of the law. The practice of picketing liquor shops has in many instances been attended by the danger of such consequences ensuing. Government must reserve to themselves full discretion to take such general or special action as may be found necessary for the protection of the public or of particular individuals. They have not issued any general instructions on the subject, but they expect the Magistracy and Police to be prompt and vigilant in taking all the measures that may be necessary to prevent or punish infringements of the law or any lawful order made by a competent authority."

As a consequence of the serious rioting which took place in Bombay City in November 1921, during the course of which one of the principal objects of attack was the liquor-shops, the Government of Bombay issued instructions to their officers throughout the Presidency and Sind to prohibit picketing wherever the movement was started again.

355. During the whole course of the non-co-operation campaign, the Government of Bombay did not find it necessary to take action either under the Criminal Law Amendment Act of 1908, to deal with unlawful associations, or under the Seditious Meetings Act or under Regulation XXV of 1827.

NO ACTION TAKEN
UNDER THE CRIMINAL
LAW AMENDMENT
ACT, ETC.

The Bardoli Taluka Agitation

356. In this connection mention should also be made of the agitation which has been started against the payment of the land revenue assessment in the Bardoli Taluka of the Surat District, as a protest against the 20 per cent. enhancement levied by the Government of Bombay. In dealing with this movement, it is necessary to mention that the opposition to this particular revision settlement is part of the general opposition to the present method of revising land revenue assessments which has prevailed in the Legislative Council for many years past. Several resolutions have been tabled on the subject. In 1922 a member gave notice of a resolution that all proposals for increasing the assessment of land revenue should be discussed in the Legislative Council. In the same year another member gave notice of a resolution that there should be no revision of survey assessment in those parts of the Presidency where it had already been revised; this would have meant the introduction of a permanent settlement for the greater part of the Presidency. In 1923, a resolution was carried that the second revision settlement of the Malshiras taluka of the Sholapur district should be suspended altogether till such time as the Nira Right Bank Canal came into

THE BARDOLI
TALUKA AGITATION.

(Reserved Departments)

actual use and the Barsi Light Railway began to work in the taluka. In 1924, a resolution was passed that the revision survey settlement recently introduced in the Sangola taluka of the Sholapur district should be withdrawn. Several resolutions were tabled from 1924 onwards recommending that the revised rates of talukas resettled since the Reforms should be suspended and the old rates re-introduced. In March 1924 a resolution was passed by the Council recommending that a committee of official and non-official members with a non-official majority should be appointed to consider the question of bringing the process of revising land revenue assessment under closer regulation by statute as recommended by the Joint Committee appointed to consider the Government of India Bill of 1919, and to report on the nature and form of legislation that should be undertaken towards that end. The resolution further provided that no revision should be proceeded with and no new rates under any revised settlement should be introduced till the proposed legislation had been brought into effect. This resolution was carried in an amended form and in accordance with it Government appointed a committee to consider the question. The majority of this Committee recommended the appointment of a standing advisory committee of the Legislative Council to examine all revenue settlement proposals and to advise Government about them. This was not accepted by Government. To a considerable extent this opposition to revision settlement is based, as stated in the resolution of March 1924, referred to above, on the opinion expressed by the Joint Select Committee of Parliament that they were impressed by the objections raised by many witnesses to the manner in which certain classes of taxation can be laid upon the people of India by executive action without, in some cases, any statutory limitation of the rates, and, in other cases any adequate prescription by statute of the methods of assessments that they considered that the imposition of new burdens should be gradually brought more within the purview of the legislature and that in particular they advised that the process of revising the land revenue assessments ought to be brought under closer regulation by statute as soon as possible. They expressed the opinion that the time had come to embody in the Law the main principles by which the land revenue is determined, the methods of valuation, the pitch of assessment, the periods of revision, the graduation of enhancements and the other chief processes which touch the well being of the revenue payers. It is to be noted that many of the resolutions which have been tabled in the Council go further than the opinion expressed by the Joint Committee of Parliament. On the other hand, the Taxation Inquiry Committee appointed by the Government of India in 1924 recommended that for the future the basis of the settlement should be annual value, and that the standard rate of assessment should be 25 per cent. of the annual value. There has been a complaint on the part of some of the elected representatives of Gujarat that the assessments in certain parts of that division are pitched unduly high. This may have influenced their attitude in regard to the protest raised against the Bardoli revision settlement.

(Reserved Departments)

357. The settlement of the Bardoli Taluka was due to expire on July 31st, 1927, and in the cold weather of 1925-26 in accordance with the usual practice, the Government of Bombay appointed an officer to prepare a revised settlement. That officer proposed a net increase of 30·59 per cent., which, however, the Settlement Commissioner reduced to 29·03 per cent. Government further reduced the figure to 21·97 per cent., but owing to the regrouping of certain villages which was subsequently made to remove any trace of unfairness that might have been present, it was found that the revised assessment amounts approximately to an increase of not more than 20 per cent. The new settlement came into force with the revenue year 1927-28.

358. At the beginning of February 1928, Mr. Vallabhbhai Jhaverbhai Patel of Ahmedabad—a gentleman who had been one of Mr. Gandhi's staunch lieutenants in the non-co-operation campaign,—visited a number of villages in the taluka to get the sense of the leaders of the agriculturists as to the non-payment of the increased assessment. He held an informal conference on the 4th at Bardoli and on the 12th presided over the Bardoli Taluka Conference. In his speech he intimated that he had written to His Excellency the Governor in the sense of the decision reached at the informal conference and that he had received a reply that his letter had been sent to the Revenue Department for disposal. He looked upon this as a refusal on the part of Government to reconsider their decision regarding the revised assessment and he therefore called upon the agriculturists of Bardoli to start a no-tax campaign. The resolution adopted at the conference declared that the cultivators would refuse to pay *all* land revenue assessment till Government agreed to refer the question of introducing the revised settlement to arbitration, but expressed their readiness to pay the revenue if Government were ready to accept it on the old scale.

359. Steps were thereafter taken to give wide publicity to the resolution and the second half of February saw Mr. Patel and his body of lieutenants, all of whom had taken an active part in the non-cooperation movement and in Mr. Gandhi's preparations to launch civil disobedience in Bardoli in February 1922, moving about in the taluka. They divided the taluka into divisions each in charge of one or more veteran *satyagrahis* who, with their assistants, went round inducing the cultivators to sign a pledge not to pay the assessment and in some cases not to bid for any goods or lands that might be forfeited and put up for sale and not to provide carts and supplies for Government officers.

360. Meanwhile on February 16th Government replied to Mr. Patel's letter. They repudiated his contention that the settlement had been introduced without any regard for the condition of the cultivators and without any exhaustive consideration of all the material available and stated

MR. PATEL'S LETTER
REPUDIATED BY
GOVERNMENT.

(Reserved Departments)

that they were not prepared either to suspend or to reconsider the settlement or to make further concessions of any kind.

361. During the last budget session of the Legislative Council a token cut of one rupee moved by Mr. K. F. Nariman, member for Bombay City (South) as a vote of censure against Government's revenue policy in Bardoli was rejected by 44 votes to 35.

362. In a letter published in the "*Bombay Chronicle*" on 3rd March Mr. Patel referred to his correspondence with Government and stated that the object of the *satyagraha* was "nothing more or less than the assertion of a popular right, namely to demand an impartial enquiry."

363. The Working Committee of the Congress concluded their final resolution at a meeting held at Bombay on the 18th May as follows:—

"Inasmuch as the struggle has assumed an All-India importance and character (this meeting) asks the public to give the *satyagrahis* all the moral and material support within the power of the nation."

From Bombay Dr. Ansari, the President of the Indian National Congress, went to Surat and in a speech said, speaking in the name of the Congress, that the grievance of Bardoli was the grievance of the whole of India. The prestige of the whole country was at stake and it was the duty of every Indian to rise equal to the occasion. One of the resolutions passed at the Surat District Political Conference threatened that the whole of Gujarat would be compelled to join the Bardoli *satyagraha* if the repressive measures were not given up immediately.

364. The idea of making the movement an All-India matter gradually gained support and, in addition to the resignation of 10 Gujarati (Hindu) members of the Legislative Council, who intend to stand again for re-election on the Bardoli issue, two members from Sind and four from Bombay City (including the representative of the Bombay University) have also resigned. About the 31st May, the Honourable Mr. Vithalbhai J. Patel, President of the Legislative Assembly (Member for Gujarat) and brother of Mr. Vallabhbhai Patel, in a letter to Mr. Gandhi, which also appeared in the press, supported the campaign and expressed his intention of subscribing Rs. 1,000 monthly as long as the movement lasted.

365. On the 1st of June, speaking at a meeting in the village of Khoj, Mr. Vallabhbhai Patel himself referred to the fact that the fight had entered upon a wider phase, people from outside the taluka had begun to take a live interest in it. He also drew particular attention to the resolution of the Surat District Political Conference mentioned previously. A few days later Mr. Gandhi suggested that the 12th of June should be observed throughout India as "*Bardoli Day*" by voluntary suspension of work wherever possible and well-organised

(Reserved Departments)

collection of funds in aid of the *satyagrahis* and the holding of mass meetings in the evening to collect more funds and pass resolutions supporting the demand of the *satyagrahis*. Dr. Ansari followed this up by suggesting that all Provincial Congress Committees should give effect to Mr. Gandhi's suggestion. He concluded his public appeal for mass demonstrations with the following words:—

"The people of Bardoli are not fighting against the unjust enhancement of the local land revenue but are demonstrating to the whole world that they are fighting for a just cause. They are therefore the vanguard of the army of liberation of our enslaved country from perpetual thralldom."

366. Whatever the ostensible object of the campaign in its initial stages, the question has now developed into an experiment in non-co-operation, the paralysis of Government in a selected area through mass civil disobedience. In the course of the agitation many instances of social boycott and criminal obstruction, as well as harassments, practised by the non-co-operating leaders either by themselves or by coercing the local cultivators, have come to light. Supplies and conveyances have been and are still being refused to Government officers, in spite of the appeals of Mr. Vallabhbhai Patel to give up such harassments as futile and insincere. On the 20th of April the owners and drivers of public conveyances were forced to go on strike when the Collector visited Bardoli, and refused to ply. Supplies of foodstuffs, etc., were also refused to the Collector and other officers, including even the Government motor-bus drivers. Two Baniyas who allowed their dues to be recovered by leaving the money in their houses were boycotted at the instance of the agitators, the great majority of whom do not belong to the district. Even their relatives were prevented from seeing them, and finding themselves threatened with ruin they submitted and paid fines amounting to Rs 1,350 and apologised to the agitators. This extortion frightened other Baniyas from paying with the result that some of them have lost their lands. The fear of such a boycott has spread throughout the taluka but, even in spite of it, secret payments of the assessments are being made daily. Mr. Vallabhbhai is probably aware of this and in one of his recent speeches (June 7th) he advocated the social boycott of "black-legs". Picketing of officers' camps has also been resorted to keep away visitors, and their servants have been interfered with. Prosecutions have had to be launched against certain of the agitators for obstructing the removal of kit and of distrained goods, and for assaulting a police constable.

367. Seven talatis and 35 patels sent in their resignations by post on the 7th and 8th June, though one of the talatis and one of the patels stated that they had no desire to resign but had been forced to do so.

368. It is believed that the question of launching a civil disobedience campaign by way of trespassing and tilling lands forfeited by Government is receiving the attention of the agitators.

AN EXPERIMENT IN
NON-CO-OPERATION.
A CIVIL DISOBEDI-
ENCE CAMPAIGN MAY
BE LAUNCHED.

*(Transferred Departments)***(c) TRANSFERRED DEPARTMENTS***

369. A liberal and progressive policy has characterized the administration of the Transferred Departments during the period under review. Some of the most far-reaching changes of policy were introduced in these departments after the inauguration of the Reforms. The passing of the Primary Education Act in 1923, which provides for the introduction of compulsory primary education by local authorities, marks an era in the educational policy of this Presidency, and its effects on the growth of education have already been noticed in Chapter III. The Bombay Local Boards Act, 1923, and the Bombay City Municipalities Act, 1925, which liberalised the constitution of local boards and the larger municipalities in this Presidency, giving them an elective majority with elected presidents and vice-presidents and enhanced financial powers, are also measures of very great importance in the domain of Local Self-Government. They have already been discussed in detail in Chapter IV. Two other important Acts passed in the transferred departments were the Bombay Co-operative Societies Act of 1925, which was passed to meet the growing needs of the co-operative movement, and the Bombay University Act passed this year, with a view to placing the constitution of the Bombay University on a more democratic basis. In the Forest Department measures were adopted by the Minister in charge which resulted in a considerable increase in the revenues of the department. In the Excise Department Government declared prohibition as their goal and steps have been taken to give effect to this declaration. The photo-copying system was an important change introduced in the Registration Department.

Despite the financial stringency which has crippled the energies of this Government for the last few years, the progress of the transferred departments was satisfactory, as will be seen from the following statement :—

Transferred Departments	Average annual revenue from 1915-16 to 1920-21	Average annual revenue from 1921-22 to 1926-27	Average annual increase (+) or decrease (—) of revenue since the Reforms
	Rs.	Rs.	Rs.
Forest Department ..	70,64,000	73,62,000	+ 2,98,000
Excise Department ..	3,39,21,000	4,11,30,000	+ 72,09,000
Agricultural Department ..	2,02,000	3,05,000	+ 1,03,000
Civil Veterinary Department ..	22,000	17,000	— 5,000
Registration Department ..	10,83,000	12,74,000	+ 1,91,000
Total ..	4,22,92,000	5,00,88,000	+ 77,96,000

* Other than Education and Local Self-Government.

(Transferred Departments)

The only transferred department which shows a fall of receipts since the introduction of the Reforms is the Civil Veterinary Department. The fall is due to the stoppage of horse-breeding operations from the year 1922-23. In all other departments there is a substantial increase of revenue. As a result of the measures adopted by the first Minister of Forests and Excise the forest revenue from the Surat district since the Reforms compares as follows with the years before the Reforms :—

Year	Revenue	Expenditure	Surplus (+) or deficit (-)	Remarks
	Rs.	Rs.	Rs.	
1915-16	2,33,000	1,75,000	+58,000	
1916-17	2,02,000	1,58,000	+44,000	
1917-18	2,48,000	1,87,000	+61,000	
1918-19	5,34,000	2,06,000	+3,28,000*	* Vide footnote to Appendix 'E.'
1919-20	3,23,000	2,24,000	+99,000	
1920-21	2,24,000	2,27,000	-3,000	
1921-22	3,33,000	3,93,000	-60,000	
1922-23	2,96,000	3,07,000	-11,000	
1923-24	4,82,000	3,17,000	+1,65,000	
1924-25	4,76,000	3,48,000	+1,28,000	
1925-26	6,78,000	3,54,000	+3,24,000	
1926-27	5,44,000	3,21,000	+2,23,000	
Annual average for the pre-Reform period from 1915-16.	2,94,000	1,96,000	+98,000	
Annual average for the Reforms period	4,68,000	3,40,000	+1,28,000	
Increase of the annual average in the Reforms period over that of the pre-Reform period.	1,74,000	1,44,000	+30,000	

Corresponding progress has been made in other parts of the Presidency. These facts show that the efficient administration of the departments has not been impaired by reason of their being placed in charge of Ministers. The progress of the transferred departments may also be gauged incidentally from the funds placed at their disposal from time to time. The average annual expenditure before and after the Reforms is compared in the following statement :—

Transferred Departments	Average annual expenditure from 1915-16 to 1920-21	Average annual expenditure from 1921-22 to 1926-27	Average annual increase (+) or decrease (-) of expenditure since the Reforms
	Rs.	Rs.	Rs.
Forest Department	46,15,000	42,86,000	-3,29,000
Excise Department	16,84,000	42,59,000	+25,75,000
Agricultural Department	11,42,000	16,25,000	+4,83,000
Civil Veterinary Department	3,66,000	4,87,000	+1,21,000
Registration Department	4,60,000	6,79,000	+2,19,000
Total	82,67,000	1,13,36,000	+30,69,000

(Transferred Departments)

The decrease of expenditure in the Forest Department has already been explained. There is an increase in all other departments. It will be seen that Government now allot on an average Rs. 30 lakhs more annually to the transferred departments than the annual average before the Reforms. This increase of 37 per cent. has naturally facilitated the progress of the departments. There is no truth in the allegation which is periodically made that they are being starved. Appendix C shows the actual annual distribution of funds between the reserved and transferred departments since the introduction of the Reforms.

There is no revenue and expenditure to be compared so far as the co-operative movement is concerned. Its progress may be gauged from the figures given in the following table :—

Year		No. of co-operative societies	No. of Members	Working Capital
				Rs.
1915-16	..	963	1,05,000	97,00,000
1916-17	..	1,307	1,31,000	1,23,00,000
1917-18	..	1,650	1,57,000	1,63,00,000
1918-19	..	2,083	1,88,000	1,99,00,000
1919-20	..	2,571	2,38,000	2,61,00,000
1920-21	..	2,956	2,72,000	3,35,00,000
1921-22	..	3,411	3,28,000	4,35,00,000
1922-23	..	3,533	3,36,000	5,33,00,000
1923-24	..	3,743	3,57,000	6,20,00,000
1924-25	..	4,126	3,92,000	7,12,00,000
1925-26	..	4,656	4,48,000	8,79,00,000
1926-27	..	5,091	4,83,000	10,27,00,000
Annual average for the pre-Reform period from 1915-16 ..		1,922	1,82,000	1,96,00,000
Annual average for the Reforms period		4,093	3,91,000	7,01,00,000
Increase of the annual average for the Reforms period ..		2,171	2,09,000	5,05,00,000

Splendid progress was made in the co-operative movement and, although it was mainly due to non-official efforts, the Ministers, with the help of the Registrar, largely contributed to it. The period after the Reforms was one of great financial stringency, which necessitated retrenchment in every direction and considerably hampered the development of these departments and there can be no doubt that the administration of these departments would have been marked by a much more liberal and progressive policy if sufficient funds had been available to the Ministers. The system has, however, worked well so far as the administration of transferred departments was concerned. The more important features of administration in some of the transferred departments are noticed in the following paragraphs.

*(Transferred Departments)**Agriculture.*

370. The period of the Reforms opened in the Agricultural

Department with changes in its organisation.

AGRICULTURE. These were designed to secure closer co-operation between it and the Co-operative Department by the institution of Divisional Boards for controlling the propaganda activities of both departments. A system of Local Development Associations subsidised by Government was also adopted for carrying on agricultural propaganda in different areas. Special research schemes, most of which are financed by outside agencies, including the Indian Central Cotton Committee and the Sassoon David Trust Fund, have been introduced for devising means to check insect pests, for finding remedies for the diseases of various plants, etc. The Agricultural Engineering Department has paid special attention to the designing of implements. The Department also increased its activities by rendering direct services to the public in connection with the supply of seeds, implements and manure, the boring of irrigation wells and the designing of pumping installations. A special agricultural farm has been opened at Sakrand in Sind to investigate the effect on the soil of the introduction of perennial irrigation as a result of the construction of the Sukkur Barrage and to carry out experiments for the production of types of crops (and particularly cotton crops) which will give the best results and the maximum returns under the new conditions.

Special attention has been paid to cotton, which is an important crop in this Presidency. The latest report of the Department of Agriculture shows that considerable progress has been made towards the improvement of this crop. The figures of the area under cotton cultivation and the outturn of the crop per acre for the years 1920-21 to 1926-27 are given below :—

Year					Area in thousands of acres	Outturn per acre (ginned cotton in lbs.)
					Presidency including Sind	
1920-21	..	..	..	..	3,806	65
1921-22	..	..	..	..	2,976	89
1922-23	..	..	..	..	3,977	91
1923-24	..	..	..	..	4,889	72
1924-25	..	..	..	..	5,317	82
1925-26	..	..	..	..	5,474	77
1926-27	..	..	..	..	4,690	75

Considerable progress has also been made in selection and breeding work in the case of rice and there is a growing demand for these improved

(Transferred Departments)

varieties. There has also been considerable improvement in seed of other crops such as jowar, wheat, tobacco and bajri.

As a result of the recommendation of the India Cotton Committee, the Cotton Transport Act, 1923, has been brought into operation in Gujarat and the Karnatak for the protection of improved types of cotton.

To improve the breed of cattle, breeding farms have been established for the Kankrej breed at Chharodi, for the Amrit Mahal at Bankapur and for the Sindhi at Karachi while privately owned farms have been subsidised for other breeds. A system of working in co-operation with Gowshalas kept up for the support of cattle generally has been worked out in recent years and is in operation in some cases. Cattle-shows are held in half a dozen cattle centres each year. The bulls produced on the farms are placed out on a very favourable system. The formation of co-operative cattle breeding societies whose purpose is to provide their members and others with the services of first class bulls is being encouraged. A new body called the Bombay Presidency Cattle Breeding and Dairy Farming Association has been recently formed to devise measures for the improvement of milk and plough cattle. A committee is about to be appointed to consider the question of the improvement of cattle in Sind under Barrage conditions. Other measures adopted for the improvement of agriculture were the development of the dry farming method, the construction of masonry bandharas and the introduction of improved agricultural implements. The most likely method of making crops more secure in precarious tracts which are liable to famine is the development of the dry farming method. Experiments in this connection are carried out by the Soil Physicist to Government on the Manjri Farm in the Poona district and on the Mohol farm and very striking results have been obtained. The construction of masonry bandharas on small talas, and of tals in valleys to soak lands for cultivation is one of the methods adopted by the Agricultural Department for utilizing flood water and post-monsoon flow. The cultivator is capable of carrying out such works from his private resources or by means of loans or grants but requires professional aid. Government assist the cultivator by undertaking the preparation of schemes for embankments or small bandharas. The question of improved agricultural implements suited to the various soils and conditions of this Presidency was referred to a committee of officers of the Agricultural and Industries Departments in the year 1922. The committee was asked to consider and report the requirements of different parts of the Presidency in respect to agricultural implements, the drawbacks in the existing implements, indigenous and foreign, in use in the various tracts and the best means of meeting the requirements and removing the drawbacks. It recommended the designing of new and improved implements by the Agricultural Engineer working in conjunction with the Deputy Directors of Agriculture. Investigation in connection with implements other than ploughs was also considered necessary. The committee recommended the production of working models by the Agricultural Engineer and placing before interested manufacturers successful designs which promised to have an effective

(Transferred Departments)

demand. It was also of the opinion that the propaganda required for the introduction and extension of the use of implements should be under the control of the Agricultural Department and that propaganda should be carried on by the territorial staff of that Department assisted by and in co-operation with, the various local popular organisations, including co-operative societies. Government accepted the committee's recommendations and a press note was also issued on the subject.

The latest report of the Department of Agriculture shows that there are now a number of extremely efficient motor tractors in the market and very good implements suited for them with the result that there is a growing demand for their use. A large number of such tractors is employed by farmers in Gujarat. No such progress has been made in the Deccan and Karnatak. Some of the firms who sell tractors undertake demonstrations. Recently Government paid a half share in the cost of a tractor and equipment bought by the Dharwar Agricultural Association and this has already found an extensive demand in the district. A tractor equipment has been purchased for West Khandesh, Government undertaking to pay the cost of running it. In Sind, two tractors and equipment were bought in 1926 and were working successfully in Central Sind. In Upper Sind, the large zamindars are very keen on tractor development and if demonstrations could be carried on, there would be an early and considerable demand.

The subject of the excessive sub-division and fragmentation of agricultural holdings has engaged the attention of Government for a number of years. The excessive sub-division of land in certain areas of the Presidency has gone so far as to amount to a serious hindrance to cultivation and to result in a general diminution of their crop outturn. In the interests of cultivation, therefore, it was thought necessary to take measures to check the evil. In view of the fact that a large proportion of the cultivable land has been reduced to these unfavourable conditions, it is almost impossible to expect any substantial economic improvement amongst the majority of the landholders until the fundamental impediments are removed. So long as the existing laws of inheritance continue to operate in such a way as to permit of the sub-division of holdings continuously from generation to generation, it is impossible either for landowners or for the executive Government to take any steps in the direction of consolidation of holdings which would have more than a temporary effect.

A Bill has, therefore, been introduced in the local Legislative Council to remedy the evils mentioned above so far as it is possible to do so. This it is proposed to do in three ways :—

- (1) by prohibiting all future sub-divisions of land into plots which are agriculturally uneconomic ;
- (2) by ensuring that all transfers of land shall henceforth be towards the consolidation of holdings instead of in the direction of their fragmentation ; and

(Transferred Departments)

(3) by setting up machinery which will, where necessary, redistribute into plots that can be cultivated at a profit holdings which have become so fragmented as to be no longer worth cultivating.

With a view to co-ordinating the activities of the Agricultural and Co-operative Departments, Government decided on the formation of the divisional boards, consisting of two officials and four non-officials, representing the co-operative and agricultural movements. The Boards are required to advise on the application of the policy of the two departments, with power to call for any information and data required from the officers of the two departments. With the same object in view, Government have encouraged the formation of taluka development associations.

In 1923, Government sanctioned a scheme for the organisation of intensive agricultural and co-operative propaganda in certain areas in Sind, under the control of Khan Bahadur Azimkhan. The activities of this officer were directed to the popularisation and distribution of approved varieties of seed and agricultural implements, and the propagation of modern methods of farming with the assistance of taluka development associations. The results of the work done hitherto have been very encouraging. People have learnt to appreciate the value of implements, seeds and modern methods of farming suggested by the Agricultural Department. The taluka development associations have assisted materially in the propaganda work. Seven hundred and seventy-three Agriculturists' co-operative societies have been formed, and credit banks have been started at all district centres.

In 1927 Government introduced a Bill to provide for the establishment and the better regulation of cotton markets in the Bombay Presidency. It was a result of the Indian Cotton Committee having drawn attention to the necessity of making better provision for the marketing of cotton and kapas by growers by the elimination of the middleman. It was opposed by some members, but was ultimately passed into law.

The expenditure of the Agricultural Department amounted to Rs. 19·43 lakhs in the year 1921-22, as against Rs. 16·84 lakhs in 1926-27. The decreased expenditure is attributable to rigorous economy and retrenchment. The relations of the Ministers with officers of the Agricultural Department, including the Director of Agriculture, have, on the whole, been cordial.

Mention may also be made of the measures adopted for the relief of distress due to famine and for providing protection against famine, and for the improvement of water supply.

Government have engaged the services of a special officer to locate underground supplies of water in order to facilitate excavation of wells especially in tracts liable to shortage of rain and have undertaken as an experimental measure to guarantee the success of his work by refund in case of total failure, of half the expenditure incurred by cultivators on sites located by him. A special Engineer has also been appointed

(Transferred Departments)

to investigate the question of minor irrigation works, such as wells, bandharas and tanks, in order to improve the village water supply. Various concessions have been made to cultivators to encourage the sinking of wells in tracts liable to famine or scarcity.

Boring for underground water is now recognised as a means, in some areas, of increasing the water available in wells, and in others as a means of finding water when the digging of wells is a risky undertaking. Government are of the opinion that boring operations should be carried out by District Local Boards. Machines are lent to such bodies as may be willing to carry out these operations on the conditions laid down in the rules. Where the Boards are unwilling to borrow machines, boring operations are carried out by the Agricultural Engineer and his establishment, distribution of machines being determined by the Commissioner in consultation with the Director of Agriculture.

Boring machines are also available to cultivators on certain conditions.

A good deal of boring work was done by the Agricultural Department in 1926-27.

In the July session of 1924, a non-official member of the Legislative Council moved a resolution recommending that tagai loans for the sinking of wells should be advanced to cultivators free of interest and that the amount should be recovered in convenient instalments, not less than 15, regard being had to the nature of the crops raised and the extent to which the wells were successful. On behalf of Government, the Honourable Mr. (now Sir Chunilal) Mehta informed the Council that Government had already since 1922 been considering a scheme for affording facilities for well-boring in famine areas. The Government proposal was, however, considered to be insufficient and Mr. Saheba's resolution was passed. In pursuance of the scheme for affording facilities for well-boring in famine areas, and, incidentally, in partial acceptance of the resolution passed by the Legislative Council, Government decided in 1925 to give special concessions to encourage the sinking of wells in tracts liable to famine or scarcity and ordered that interest should be remitted—in tracts liable to famine—on outstanding advances for wells which had failed. This concession was also extended to all cases in which wells might fail in future in those tracts, provided that the Collector was satisfied that the failure was not due to any negligence or default on the part of the borrower. A further concession was made that the period of tagai advances granted for the sinking of wells should be extended within the 20 years' limit, up to which the district officer was authorised to make them, in such a way as not to cause hardship to the borrower by fixing too large instalments. In addition to the remission of interest, 20 per cent. of the outstanding advances for wells which had failed was directed in 1927 to be remitted in all districts in the Central Division (except East and West Khandesh), Bijapur in the Southern Division and certain talukas of the Thar Parkar District. This concession was also extended to all cases in which wells might fail in future in the above-mentioned tracts, provided that the Collector was satisfied

(Transferred Departments)

that the failure was not due to any default or neglect on the part of the borrower. In the same year it was ordered that a cultivator should be granted the above concession in cases in which he obtained a loan and spent it in deepening an old dry well, even if the experiment resulted in failure. With a view to extending well irrigation in precarious tracts, it was further directed in the same year that tagai loans should be granted at a concession rate of interest, viz., 10 pies in the rupee, when taken for sinking new wells or improving or repairing existing wells in all districts of the Central Division (except East and West Khandesh), Bijapur in the Southern Division and certain talukas of Thar Parkar District.

In the July-August session of 1925, the Member in charge of the Revenue Department moved an official resolution for the appointment of a special officer and staff for the investigation of minor irrigation works and village water supply, which was passed. At the same session, a resolution for the appointment of Major Pogson as Water Diviner was carried after some discussion. In August 1925, a non-official member moved a resolution for the adoption of immediate steps with a view to relieve the agriculturists of the eastern talukas of the Satara district from the evil effects of famine. The resolution was withdrawn on an assurance being given by Government that the matter would receive sympathetic treatment and that everything possible would be done to remove the difficulties.

Appendix D shows the receipts and expenditure under "Agriculture" for the period 1904-05 to 1926-27.

Forests.

371. The subject of "Forests" was transferred to the control of Ministers under the Reforms, this being the only province in which the subject was transferred. The administration of the subject has been smooth during the period under review. The relations between the different Chief Conservators and the Ministers who have been in charge of the Department have been no less cordial than those which had previously prevailed between the head of the department and the Member of Council in charge of it. There may in fact be said to have been a continuity both of tradition and administration.

Despite the financial stringency which has crippled the energies of the local Government for the past few years the progress of the Forests since 1921 has been entirely satisfactory. In that year receipts from Forests amounted to Rs. 68,65,000 and expenditure to Rs. 53,39,600, leaving a surplus of Rs. 15,26,000. In the year 1926-27 receipts amounted to Rs. 76,56,000 and expenditure to Rs. 41,40,000, leaving a surplus of Rs. 35,16,000. This result has been due both to the vigour and determination with which economy has been practised in the Department, and to greater initiative in the actual administration which has led to more judicious expenditure and better returns. For

(Transferred Departments)

instance, in 1921 the first Minister in charge of Forests took up the exploitation of the Dangs in Surat District. A more definite policy in regard to the provision of roads, buildings, saw mills, etc., was adopted with the result that, whereas the average annual revenue of the District was Rs. 3,07,889 for the quinquennium 1915-20, the revenue in the year 1925-26 amounted to Rs. 6,77,525, leaving a surplus over expenditure of Rs. 3,04,769. Corresponding progress has been made in other parts of the Presidency.

The Forest Department has been carrying out experiments in mechanical transport since 1921-22. Various mechanical appliances for extraction and transport were purchased with a view to bringing under exploitation forests which had hitherto been left untouched. The most notable instance of this is the opening up of the Nagziri Valley Forests which contain very valuable timber. In this area timber had not been worked previously owing to what were considered unsurmountable difficulties of the situation.

The administration of the Forests owing to its having become a transferred subject has naturally attracted a certain amount of attention in the Legislative Council, and at various times resolutions have been proposed by non-official members which, if adopted, would have had a disastrous effect on forest administration, and in particular on forest conservancy. It is to the credit of the Council that it has accepted the Minister's declarations, and that in practically every case resolutions of an unacceptable character have been rejected. In the year 1925, Government accepted a resolution of the Council to appoint a committee to enquire into certain grievances alleged against the administration of the department. As a result Government have made a certain number of concessions in regard to grazing, the infliction of fines and other forms of punishment. These concessions were made mainly owing to the pressure of the Council upon the transferred side of Government.

An instance of a member of the Council tampering with the loyalty of the officers of the Forest Department came to the notice of Government in 1925. Letters were sent confidentially to members of the different grades of the department by a member of the Council Swaraj Party, asking questions regarding the constitution and working of the department and other kindred matters, and inviting his correspondents to send him their complaints, and more especially complaints against their European superior officers. The member should have known that if he required any information from official publications and could not obtain it, his proper course of action was to ask questions in the Legislative Council. Government servants are prohibited under rule 17 of the Government Servants' Conduct Rules from communicating to any one not specially authorised any information which has come into their possession in the course of their public duties, and the circular amounted to a direct incitement to officers and subordinates of the Forest Department to commit breaches of this most necessary and salutary rule.

(Transferred Departments)

Appendix E shows the receipts and expenditure under "Forests" for the period 1904-05 to 1926-27.

Excise.

372. The policy underlying the administration of the Excise Department has undergone several changes since the Reforms. There was a strong demand for the reduction of the consumption of liquor. The number of Excise Advisory Committees was increased and many liquor shops were closed on the recommendations of these committees. A more direct check on consumption was introduced by a system of rationing all country liquor shops on the basis of the consumption during the year 1920-21. The strength of country spirit was reduced from 30° U.P. to 40° U.P. Still-head duty was increased, and unrestricted auction as the normal mode of disposing of the right of vend was enforced with greater stringency. Fees for the privilege of the vend of foreign liquor have been increased. These measures were taken to discourage excess, minimise temptation and control the consumption of liquor among those accustomed to it. But the demand voiced in the Legislative Council and stated to represent the popular view aimed at something higher, i.e., total prohibition. To consider the feasibility of such a policy, Government, on the recommendation of the Legislative Council, appointed in 1922 a committee to report on the question of the drink and drug traffic and its total prohibition. The committee recommended that Government should declare that the total extinction of the traffic in alcoholic drink and drugs by suitable steps was the goal of their excise policy. This recommendation was accepted by Government. Government observed that the adoption of this policy would require the goodwill of the Legislative Council and would necessitate the finding of large sums of money to replace the excise revenue that would be lost, and to provide the increased preventive establishments that would be essential. Accordingly, when at the meeting of the Legislative Council held on 4th November 1925 Mr. R. G. Pradhan, a non-official member of the Legislative Council, moved a resolution recommending the appointment of a committee to consider and report on the financial measures that should be introduced in order to give full effect to the policy of prohibition, it was accepted by Government, and shortly after a committee was appointed with instructions—

- (1) to calculate the net loss to Government due to total prohibition, including the cost of extra preventive staff ;
- (2) to enquire into and suggest fresh avenues of taxation for making up the above loss ; and
- (3) in consideration of the fact that the period within which total prohibition can be fully established cannot be definitely foreseen and that the amount of deficit in revenue will vary greatly from year to year, to lay down a programme by which extra taxation can be levied by stages as necessary.

(Transferred Departments)

The report of the committee was submitted last year. The report is not unanimous. On the first point referred to, the majority of the committee calculate the net loss to Government due to total prohibition, including the cost of extra preventive staff, at Rs. 6 crores. As regards the second point they consider that it would be unsafe to assume the possibility of raising more than Rs. 4·3 crores of additional revenue, and they remark that this is an insuperable difficulty in the way of enforcing prohibition. Consequently as regards the third point they state that their inability to find the full revenue required makes it unnecessary for them to give an opinion whether the extra taxation which they consider to be possible should be imposed at all and still more to lay down a programme for gradual enforcement of the policy.

Government have accepted the committee's estimate that the net loss resulting from the enforcement of total prohibition, including the cost of the additional preventive staff, will be not less than Rs. 6 crores, that is, nearly 40 per cent. of the total revenue of the Presidency. They have declared that they have explored all possible sources of fresh taxation, including those suggested by the committee, and after the most careful examination have ascertained that, on a very liberal estimate, the additional revenue so derivable will not exceed Rs. 2 crores within the next 15 years. If this additional revenue is to be applied solely to the pursuit of the policy of prohibition, it will mean that all the other activities of Government are to be stereotyped and that there can be no development in any direction whatsoever; educational progress for instance would come to an absolute standstill. It is in the nature of things that the needs of the administration in a progressive community, such as this Presidency is, must expand, and Government are therefore faced with the necessity of deciding whether in the pursuit of prohibition they are prepared to arrest progress in every other activity which is financed from the public revenues. Government are compelled to admit that such steps as they have hitherto taken in the direction of prohibition have given rise to financial and administrative difficulties as explained in the review of the administration report of the Excise Department for the year 1926-27; and in the present financial condition Government must consider what further outlay in the same direction can be made, specially when the amount that can be made available for the purpose falls short by four crores of the full amount which, it has been estimated, is required to make the policy a complete success. In the circumstances Government, while not abandoning the hope of eventually attaining total prohibition, are forced to the conclusion that, as the path is beset with difficulties which for the present are insuperable, progress must necessarily be slow. Government intend to adhere to the policy of rationing, but the time and stages of further reduction in the ration must be judged according to the circumstances of each year. The early success of their policy will be very greatly assisted by the spread of education and the growing consciousness of the community that it has in its midst an evil which is to be alleviated or abated by the active force of public opinion.

(Transferred Departments)

The figures of excise revenue from the year 1919-20 are as follows :—

					Lakhs of Rs
1919-20	..	..	..	..	398·2
1920-21	..	..	..	..	454·9
1921-22	..	..	..	..	342·7
1922-23	..	..	..	..	422·8
1923-24	..	..	..	..	434·6
1924-25	..	..	..	..	443·0
1925-26	..	..	..	..	415·3
1926-27	..	..	..	..	409·4

It would appear from the figures for 1920-21 and 1926-27 that the revenue has fallen considerably since the introduction of the Reforms. The revenue of 1920-21 was not, however, the normal revenue of that year, as the figures for the years just previous and subsequent to that year will show. The reason for the exceptionally large revenue of 1920-21 and exceptionally low revenue in the subsequent year was that, as a result of the orders of Government, the whole of the vend fees from town shops for the year 1921-22 were collected in advance and credited to the accounts of the year 1920-21, whereas in the year 1921-22 (the first year of the Reforms), in which the orders were cancelled, the instalment in the first quarter only was credited in advance. This caused an increase in the revenue of 1920-21 by nearly fifty lakhs and a decrease in that of the subsequent year by the same amount. The figures of 1926-27 include about 13 lakhs for the cost of opium as a result of a different method of keeping the accounts of opium sales. These receipts are not included in the figures of 1920-21 (the last year of the pre-Reform period). If allowance is made for these two factors, there is not such a great difference between the revenues of 1920-21, 1921-22 and 1926-27 as would appear from the figures.

The expenditure of the Excise Department amounted to Rs. 28,80,000 in 1921-22 and rose to Rs. 64,02,000 in 1926-27 an increase of Rs. 35,22,000. This increase is due to several causes, namely, a different and more appropriate method of keeping accounts of opium sales, investments in Government commercial undertakings (distilleries), increased payment of excise compensations to Indian States, compensation to the Godhra distillery contractors for the purchase of the distillery plant, and larger establishment necessitated by the restrictive excise policy.

The relations between the Minister and the Commissioner of Excise and the Excise Department have been cordial throughout the period, and the Department has done its best loyally to carry out the policy of Government, whatever its views on its merits have been. There has been no instance of maladministration of the Department or abuse of powers.

Appendix F shows the receipts and expenditure under "Excise" for the period 1904-05 to 1926-27.

*(Transferred Departments)**The Growth of the Co-operative Movement.*

373. With the introduction of the Reforms, Co-operation became a Provincial and Transferred subject and in 1925 a separate Bombay Co-operative Societies Act was passed. The Act made special provision for the following matters :—

(1) Distinct classification of various types of societies whose objects, finance and methods of working are different.

(2) The introduction of a clear-cut system of winding up, liquidation and dissolution of societies on the analogy of the Indian Companies Act of 1913.

(3) Provision for the summary recovery of dues in arbitration and liquidation cases through the Revenue Authorities.

Discussion of the Bill was conducted on purely non-party lines in the Council, and members of all parties helped in getting the Bill through in the best form possible. It is hoped that with the passing of this Act a definite step forward has been taken. Bombay was the first province to undertake Provincial legislation for the regulation of Co-operative Societies. Rules under the new Act were made in 1927.

The distinctive feature of the Co-operative Movement in this Presidency is the clear-cut triple classification of its activities. The guidance and leadership of the Movement under these three classes is entrusted to three different agencies :

(a) For the purposes of Finance, supervision and control is exercised through a number of Central Banks, headed by the Bombay Provincial Co-operative Bank as the apex Bank for the Province.

(b) Activities connected with Co-operative Propaganda and Co-operative Education are undertaken by the Bombay Provincial Co-operative Institute and its branches.

(c) The registration and cancellation of societies, their liquidation, their audit and general control in their relation to the State are undertaken by the Registrar with his departmental staff and a staff of Honorary Organisers.

374. The basis of the Movement is the Agricultural Primary Credit Society. These Societies are formed on the principle of unlimited liability without shares, except in Sind, where primary societies are organised on the basis of share capital with unlimited liability. Ordinarily one society is formed for one village. To provide for easy finance the societies are grouped under Central Banks built upon shares subscribed both by the societies and individuals. Over the District Banks stands the Bombay Provincial Co-operative Bank. So far it has the accepted policy of Government to provide free audit by Government agency except in the case of Housing Societies and Institutions classed as Banks, and there is no doubt that Government audit is an important factor in the creation of general public confidence in the

(Transferred Departments)

Movement. The Movement began in the Bombay Presidency in 1904-05, with 12 societies and 219 members. By 1910-11 there were 256 societies with more than 20,000 members and a working capital of Rs. 13½ lakhs. In the year 1920-21 the number of societies was 2,955 with 2,71,958 members and a working capital of Rs. 3,34,55,202. By the 31st March 1927 the number of societies was 5,091, membership 4,82,730 and the working capital reached the figure of Rs. 10,26,50,816. Out of this working capital 596 lakhs is the owned capital subscribed by members themselves in one form or another, and this fact illustrates the large part which the Co-operative Movement is playing in the economic life of the Province. Complete figures for the year ending 31st March 1928 are not yet available, but the number of societies on this date rose to 5,330. The progress of the Movement has been continuous and satisfactory and a rapid and automatic expansion is now assured. Appendix G shows the relative growth of the societies in the different districts of the Presidency.

A disquieting feature of the Movement, particularly as regards primary agricultural credit, is the growth of unauthorised arrears, which amounted for the whole province to Rs. 82 lakhs out of a total amount of Rs. 284 lakhs due for repayment last year. The immediate cause of the large arrears in the canal areas is the marked fall in the price of *gul* (jaggery); while it is true that in some respects the bad seasons and low prices for agricultural produce are responsible for the growth of overdues, there is no doubt that a substantial portion of the overdues is due simply to the recalcitrancy of the debtors, and very early and stringent action requires to be taken against such recalcitrant members in the interest of the Movement as a whole. As regards non-credit activities, the number of agricultural non-credit societies in the whole Presidency is 264. This side of the Movement is still in an early stage.

375. The housing side of Consumers' Movement has proved particularly successful in the Presidency, and there is no doubt that through this agency many members belonging to the middle and lower middle classes having a moderate income have been enabled to acquire suitable accommodation in open healthy localities. The number of Housing Societies now stands at 47 with a working capital of nearly Rs. 72 lakhs, out of which Rs. 29½ lakhs have been advanced by Government. The Housing Movement has been successful in parts of Bombay, in Ahmedabad and in Karachi. There are 22 societies in Bombay and almost all have carried out their building operations; 8 are in Karachi and 6 in Ahmedabad. The majority of the members of the Co-operative Housing Societies are of middle and lower-middle classes. Their example will gradually be followed by the humbler classes. The houses are constructed either under the tenant-co-partnership or the tenant-ownership system. Fifty-four House Reconstruction Societies to assist members whose houses have been damaged by floods during the last rains in Gujerat and in Sind have been organised. Government have given grants for

(Transferred Departments)

advancing loans to these societies. Over Rs. 4 lakhs were advanced before 31st March 1928 in this manner.

376. A new experiment altogether for the reclamation of the Bhils is being tried in the Panch Mahals. The Bhil is
BHIL SOCIETIES. very backward and absolutely dependent on others and the necessary capital for financing him has to be found from outside and every thing has got to be done for him by some outside agency. The system is frankly paternal, but it has been justified by the greater contentment and prosperity of the Bhil cultivators, and Government have appointed a Special Mamlatdar, half of whose salary is paid by Government and the other half by the Provincial Bank. Government also contributes a part of the cost of the secretaries of these societies.

377. The number of Central Banks including the Bombay Provincial
FINANCE : Co-operative Bank is 21 with a working capital
BANKS. of Rs. 3,64,68,234. The Provincial Co-operative Bank continues to be the most efficient institution in the Co-operative Movement and renders extremely useful service to the Movement. This Bank has now a membership of 977 individuals and 677 societies with a paid-up share capital of Rs. 9,99,950 of which Rs. 1,34,500 are held by District and Urban Banks and Rs. 1,46,900 by Primary Societies. The Bank has a working capital of Rs. 1,38,53,089 out of which a sum of Rs. 28 lakhs is non-withdrawable. The Bank has issued debentures to the value of Rs. 7,80,000 which carry interest at 4 per cent. These debentures are admissible for the investment of Trust Funds and the payment of interest thereon is guaranteed by the Secretary of State for India under an agreement, dated the 7th October 1911. According to the scheme sanctioned by Government for the transference of long-term Tagavi funds, a sum of Rs. 3½ lakhs is placed at the disposal of the Bank for advances for land improvement, every year. Out of this grant loans are given to fencing societies and to a number of individuals for digging or repairing wells, for weeding, for erecting dams and for the purchase of power pumps, costly machinery and other implements for agricultural purposes. Out of such grants Rs. 5,42,030 were outstanding at the end of the last year. The policy of opening branches of the Provincial Bank in areas directly financed by the Bank is being followed and the Bank has now 16 such branches. The Provincial Bank directly finances societies in the whole of 7 districts and parts of 8 districts in the Presidency proper. The Sind Central Bank acts as an apex Bank for Sind.

378. Owing to the depression in trade and lack of opportunities for industrial investment, a large amount of idle money
URBAN BANKS. is seeking investment in the Movement, and recently advantage has been taken of this fact to reduce the rates on deposits paid by the Urban and District Central Banks, many of which now find themselves with surplus funds for which they are unable to

(Transferred Departments)

provide profitable employment. Incidentally this also indicates the present strength and prestige of the Movement.

A special feature of the Movement which has proved specially successful in this Presidency is the development of non-agricultural urban credit. Credit societies with limited liability are formed for the benefit of the urban population, especially the artisans and the humbler classes of shop-keepers and traders. Such societies with a working capital of Rs. 50,000 and over are classed as Co-operative Urban Banks, and they constitute People's Banks which can be compared in importance with the Luzzatti Banks of Italy. They stimulate local trade and craftsmanship and provide modern banking facilities of all kinds, particularly facilities in connection with hundi and cheque business. The accepted policy is to multiply and strengthen such Co-operative Banks until a large portion of the field of modern banks outside the Presidency towns comes under the control of the Co-operative Movement. The ideal of having one People's Bank in each taluka is appreciably nearer realisation. There are now in the Presidency 55 Urban Banks with a working capital each of Rs. 50,000 and over, showing a total membership of 85,260 and a total working capital of Rs. 1,79,58,636. In almost every important town, influential persons of all castes and professions are enthusiastically taking up this side of Co-operative activity.

379. The Bombay Provincial Co-operative Institute was organised in the year 1918. Under the Bombay Co-operative Societies Act of 1925 it obtained a definite legal recognition and the power of making allocation of funds for charitable purposes was given to it. It also adopted a new constitution in that year based on a policy of decentralisation. The Provincial Co-operative Council has now begun to function and there is now a branch of the Institute in every district. Propaganda officers are appointed by the Divisional Branches. The Institute has got a building of its own in Bombay known as the Sir Vithaldas Thackersey Memorial Building, built at a cost of nearly Rs. 3 lakhs. Government gives an annual grant to the Institute equal to the contributions which it raises from the public. Last year a Government grant of Rs. 28,000 was given. The Institute has 5,337 members consisting of 4,382 societies and 955 individuals. It undertakes co-operative propaganda and instruction and holds conferences and training classes. The Institute and its different branches publish Co-operative magazines in English and in the vernacular. Twenty-nine conferences were held during the year and excellent educative work continues to be done through the training classes held by the Institute in the various centres.

Promising lines of development in the near future are :—

- (1) Creation of machinery by the Central and Urban Banks for the supply of agricultural requisites and for the sale of the

(Transferred Departments)

agriculturists' produce, as a side activity of their ordinary credit work.

(2) Organization of societies for fencing, consolidation of holdings, and the provision and improvement of minor irrigation works such as village tanks, bandharas ; for the formation of such societies further legislation to coerce the recalcitrant minority will probably be necessary, and special legislation for this purpose is under the consideration of Government.

(3) Formation of societies for dairy, cattle breeding, insurance and other purposes.

(4) After the completion of the Sukkur Barrage large areas of new land will be brought under cultivation, and this will open up a new field for co-operative activities.

(5) Co-operative schemes to enable the cultivator to utilise profitably his spare time will also have to be considered.

(6) A good deal of future activity depends on the liberal provision of State-aid in the shape of grants for propaganda and for the organisation and management of non-credit activities.

Registration

380. The only point which deserves mention in connection with the subject of Registration is the introduction of

REGISTRATION. the photo-copying system in the Registration Department and the strenuous opposition to the system both in the Press and in the Legislative Council. This system was introduced in the Registration Department in 1921 as an experimental measure and is being gradually adopted to supplant the slow and tedious process of copying documents by hand. The advantages of the new system are evident. It ensures a large saving in the cost of the Department, it is a safeguard against the destruction of valuable documents, inasmuch as it permits several copies of documents to be made at the same time and to be kept in different places, and it eliminates the chances of mistakes or forgery. In spite of these obvious advantages, the system has been objected to by non-official members. The opposition may be attributed partly to the apprehended discharge of a number of employees of the Registration Department, partly to the necessity of importing foreign materials for working the system, and partly to the prejudice of pleaders and solicitors. Notices of several resolutions for the abolition of the new system were received from time to time and debates on budget grants for the Registration Department and on supplementary grants for purchasing materials for working the new system were marked by opposition to the system. A Bill was, however, introduced by Government in the July session of 1927 for amending the Registration Act with a view to legalising the new system. It passed its first reading by a narrow majority of 45 against 42. In deference to the wishes of the Council, it was then circulated for a period of three months for public opinion. The photo-copying system has worked well and promises to give satisfactory results in the future.

(Transferred Departments)

Appendix M shows the receipts and expenditure under "Registration" for the period 1904-05 to 1926-27

Department of Industries

381. The Department of Industries was first created in the year 1917 under the Directorship of a European officer of the Indian Civil Service. In the pre-Reforms days, the post was held by an Indian Civil Service Officer. Soon after the introduction of the Reforms, the Council criticised the so-called top-heavy expenditure of the Department. In the Council debate of March 1923 some members of the Council adopted this line of criticism, but the Minister then in charge of the department asked for an opportunity to study the whole question and this was allowed by the Council. Again in 1924 the Council adopted the same attitude and a motion was moved to omit the total demand under 'Industries.' After a lengthy discussion, the demand was, however, passed but at a reduced figure. It appeared from the debates that the Council was not in favour of retaining an Indian Civil Service Director. Government thereafter abolished the post of Director in order to meet the cut made by the Council and a Superintendent of Industries was appointed. In deference to the wishes of the Council, the post of Director of Industries was, however, revived in 1925 and an Indian Director was in charge of it till he retired in 1927. After that, the post was in abeyance for some time but an Indian Director has recently been appointed. The Council has never been quite satisfied with the administration of the department. Its grievance is in particular against the small provision that is made for the department and in every successive Council the Minister in charge has been asked to provide for more funds.

In August 1926 a committee was appointed to report on—

- (1) the present functions and working of the Industries Department and the activities which in view of the present financial situation of the Government of Bombay, the department should undertake in future;
- (2) the qualifications and pay of the future personnel of the department, including the appointment of Director, necessary to secure a suitable staff.

The committee submitted its report in July 1927, which is at present under the consideration of Government. The main recommendations of the committee are summarised below :—

- (1) Recruitment of industrial experts when funds permit.
- (2) Industries deserving of the attention of the Director of Industries--
 - (a) cottage industries;
 - (b) small organised industries which may be local or provincial in scope such as sugar factories, tanneries, breweries, etc.
- (3) Need for spare time industries.
- (4) Co-ordination of the efforts of the Co-operative and Industries Department.

(Transferred Departments)

(5) Weaving schools and demonstrations should be under the control of the Department of Industries with the addition of dyeing and hand-printing demonstrations.

(6) Technical education should remain under the control of the Director of Public Instruction and Industrial Education under the Director of Industries.

(7) Duties of the Director of Industries :—

(a) The supply of industrial and commercial intelligence to private enterprises. This should include the obtaining of information regarding trade openings in the province or elsewhere for any goods produced in this presidency.

(b) Supply of technical advice and assistance to cottage industries, including the introduction of new methods and improved implements. This should include the development of new spare time occupations in rural areas.

(c) Promotion of industrial education, including weaving schools and demonstrations in cottage industries.

(d) Survey of all industries in the presidency, excepting major industries, and an organisation for keeping information on this subject up to date. This should include the maintenance of a record of producers to connect with the commercial intelligence work specified under (a) above.

(e) Organisation of industrial exhibitions, including the industrial sections of agricultural or other exhibitions.

(8) The majority of the committee were of opinion that the control of the Factory and Boiler Departments should not be placed under the Director of Industries. At the same time it was suggested by the Committee that as soon as the present period of depression in the textile industry had passed, the system prevailing in Bengal, viz., that the control should directly be under Government, might be tried.

(9) Co-ordination of the work of the Industries Department in rural areas with that of other departments.

Public Health Department

382. One of the commonest grounds of criticism in the Council against the Public Health Department as against several other departments was that the administration was top-heavy. The Retrenchment Committee which was appointed in 1921 also touched the question. The Committee in their report on the Public Health Department observed that the question which concerned them was not so much whether expenditure devoted to the very important object of public health admitted of reduction as whether the organisation on its present lines yielded the best results for the money spent, or, whether, on the other hand, some reduction of the present staff in the Public Health Department would

PUBLIC HEALTH
DEPARTMENT.

(Transferred Departments)

not render funds available for some more advantageous organisation. In successive Council meetings, during the last 3 or 4 years, the question of abolishing the posts of Assistant Directors of Public Health has been discussed. Motions have been moved by several members to do away with the provision on account of Assistant Directors, but they have been lost. One such motion was lost in 1924 but in the same year a motion to omit the provision on account of the Personal Assistant to the Director of Public Health was accepted by the then Minister of Education and that post was abolished. Government also considered the question of the re-organisation of the department and the question was entrusted to a committee appointed in 1925. It recommended the appointment of District Health Officers provided Government undertook to pay two-thirds of their pay, but at the same time considered it necessary to retain the existing officers of the Public Health Department for advising and guiding the new District Health staff. It will take some time before the orders of Government are issued in the matter. As things stand at present, no new policy has been introduced in the administration of the Public Health Department. It may be noted that an Indian was appointed recently for the first time in the Presidency as Officiating Director of Public Health.

Appendix N shows the receipts and expenditure of the Public Health Department from 1915 to 1927.

Medical Department

383. There have been no changes of policy or new administrative departures in respect of the Medical Department, except (1) the system of appointing honorary staffs at hospitals, wherever possible, and at the Medical College and Schools and (2) the organisation of advisory committees at certain hospitals. These measures have helped to increase interest in the profession and the institutions concerned. With a view to Indianise and provincialise the Medical Services as far as possible, the number of posts reserved for the Indian Medical Service and the Indian Medical Department have also been reduced with due regard to the requirements of the Army and reservation of certain posts for European officers in fulfilment of the obligation resting on the Secretary of State to ensure adequate medical attendance on British officers of the services and their families by men of their own race. None of these steps are attributable to the "transfer" of the Department.

The only important case in which the Legislative Council exerted a direct influence on the Medical Department was that of the revision of the Hospital Fees Rules. Under the old rules medical officers were allowed to receive a proportion of the fees realised from operations, etc., performed at hospitals and dispensaries. According to the new rules, however, which were sanctioned by Government on the suggestion of a committee appointed in accordance with a resolution passed by the Legislative Council in the February-March session of 1924, all such fees are to be

(Transferred Departments)

credited to Government and medical officers are not allowed to participate in them. There have been no other committees appointed at the instance of the Council and except for action suggested in some minor details by way of questions, etc., by members of the Legislative Council, the administration of the Medical Department has not been influenced by the Council in any material respect.

Appendix O shows the receipts and expenditure of the Medical Department from 1916 to 1926.

Legislation in the Transferred Departments.

384. During the period 1921-1927, 33 Acts were passed relating to subjects dealt with in the transferred departments, of which 31 were introduced by Government and 2 by non-official members. The Acts introduced by non-official members related to minor matters and call for no comment. One (Bombay Act XIV of 1924) introduced by Mr. H. M. Rahimtoola made an amendment in the Bombay Improvement Trust Act, 1898, altering the system of voting; and the other (Bombay Act XII of 1927) introduced by Mr. B. G. Pahalajani extended the term of office of the Sukkur Municipality which expired owing to the Municipality's failure to hold elections in time under Bombay Act XVIII of 1925. Government legislation in the transferred departments during the period under report was marked by a very progressive and liberal policy. Of the 31 Acts undertaken by Government, the more important ones were:—

LEGISLATION IN THE
TRANSFERRED DE-
PARTMENTS (OFFICIAL
AND NON-OFFICIAL).

(1) An Act to provide for compulsory elementary education and to make better provision for the management and control of primary education in the Bombay Presidency (Bombay Act IV of 1923).

(2) An Act to consolidate and amend the law relating to Local Boards (Bombay Act VI of 1923).

(3) An Act to make better provision in the City of Bombay and elsewhere in the Bombay Presidency to prevent the adulteration of articles of food and the sale of such adulterated articles (Bombay Act V of 1925).

(4) An Act to consolidate and amend the law relating to co-operative societies in the Presidency of Bombay (Bombay Act VII of 1925).

(5) An Act to transfer the powers and duties of the Trustees for the Improvement of the City of Bombay to, and to vest the property and rights vested in the said Trustees in, the Municipal Corporation of the City of Bombay (Bombay Act XVI of 1925).

(6) An Act to give wider powers in the management of municipal affairs in certain cities (Bombay Act XVIII of 1925).

(7) An Act to provide for the establishment and the better regulation of cotton markets in the Bombay Presidency (Bombay Act XVII of 1927).

Bombay Act IV of 1923 (Bombay Primary Education Act, 1923) was passed on the recommendations of a Committee appointed by

(Transferred Departments)

Government to consider the question of compulsory education. It provides the machinery necessary for the working of a scheme of compulsory elementary education by a local authority and makes improved arrangements for the supply of primary education. Under the Act the duties of district local boards and municipalities in respect of primary education, other than the provision of funds, are transferred to school boards. There is to be a school board for each district local board and for each municipality which desires and is considered fit to manage its schools. As the educational staff of some of the lesser municipalities is small, the Act provides for the management of their primary schools by the district local boards of the districts in which such municipalities are situate. Such municipalities, however, have their representatives on the school boards and the school boards also include members elected by the local authorities, representatives of minorities, persons experienced in education, women and Government nominees. In addition to performing the duties of the local authority, that is, district local board or municipality, for which it is constituted, in the matter of primary education it is the duty of a school board to enforce the provisions of the Act in respect of compulsory education. Under the Act it is open to a local authority to declare, by resolution, its intention to provide compulsory elementary education in any part of the area subject to its jurisdiction. If the local authority is a district local board, this area may include the area within the jurisdiction of a municipality in the district which is not authorised to manage its own schools. A proposal by a local authority to provide compulsory education is submitted to Government in the form of a scheme and if the scheme is sanctioned, the Government bears half of the additional recurring and non-recurring annual cost of the scheme if the local authority is a municipality, and two-thirds of the said cost if the local authority is a district local board. In the case of a local authority which does not prepare such a scheme if called upon to do so or fails to bring a scheme into operation or to continue to keep it in operation, it is open to Government to have a scheme prepared or brought into operation or kept in operation, as the case may be. Detailed rules have been made under the Act prescribing the exercise and performance of the powers and duties of local authorities, municipalities which are not local authorities, schools boards and School Board Administrative Officers and their relations with the Government Educational Department and with each other in educational matters and introducing far-reaching improvements in the scales of salaries, and rules regarding the grant of leave and other conditions of service to or for the teaching, inspecting and supervising staff employed by a local authority. The immediate result of this Act has been an appreciable increase in the number of school-going children and in the liabilities incurred by Government on account of primary education.

The Bombay Local Boards Act, 1923 (Bombay Act VI of 1923), was passed in supersession of the Local Boards Act which was passed as long ago as 1884. Several defects had been brought to notice since the Act of

(Transferred Departments)

1884 was passed and it was considered that the time had arrived when the local boards should be considered fit for greater independence and responsibility and for the exercise of more extended functions. The Act confers certain sanitary and other powers to prevent nuisances, upon district local boards. To enable the district local boards to meet the expenses of exercising their extended functions, the Act gives them wide powers of taxation, subject to control in various respects. Their resources are also increased by a cess on the water-rate upon irrigated land and by contributions from certain sources from the revenues of taluka local boards which were not laid under contribution before. The Act marks an important stage in the development of local boards.

The Bombay Prevention of Adulteration Act, 1925 (Bombay Act V of 1925), was passed with the object of providing adequate means for dealing with the adulteration of food-stuffs which is prevalent throughout the Presidency and which shows the inadequacy of the provisions of the law for the time being in force. The Bombay Prevention of Adulteration Act, 1899, was passed many years ago and was very limited in its scope. The Act of 1925 deals comprehensively with the question of adulteration and by repealing the provisions of all local laws on the subject, brings within the limits of one Act all proceedings relating to adulteration. The Act is mainly based upon the English Sale of Food and Drugs Act, 1875, as amended. It is designed in the first place to operate in Bombay City as regards all kinds of food and thereafter in such local areas and as regards such kinds of food as Government may notify. Persons of competent experience, skill and knowledge are to be appointed Public Analysts by Government, except in the case of the City of Bombay where the appointment is to be made by the Corporation subject to the approval of Government, but the appointment of Inspectors is, subject to rules made by Government in this behalf, vested in the local authorities. Adulteration has been defined so as not to include such adulteration as is not injurious to health and the giving of a false warranty in respect of any food is made an offence. Provision is also made for the analysis of food purchased by the ordinary person and of food procured by Inspectors, for the refusal of the seller to sell food to an Inspector requiring it for analysis, for the proof of the analyst's certificate in Court, for further analysis by the Chemical Analyser in case of doubt, for entry by an Inspector on private premises, and for the protection of officers acting in good faith. Offences under the Act are triable by a magistrate not lower in rank than a magistrate of the second class. The amount of fine recovered from persons accused of any offence under the Act is paid to the local authorities within whose local areas the offence is committed.

The City of Bombay Improvement Trust Transfer Act, 1925 (Bombay Act XVI of 1925), transferred the powers and duties of the Improvement Trust created under Bombay Act IV of 1898 to the Municipal Corporation of the City of Bombay. The City of Bombay Improvement Act, 1898, enacted with a view to make provision for the improvement

(Transferred Departments)

and future expansion of the City of Bombay by means enumerated in the preamble of that Act was avowedly of a temporary nature and an express provision was made in that Act for the dissolution of the Board of Trustees created by the Act and for the transference of the Trust property to the Corporation. While, however, it was considered that the time had come for the dissolution of the Board specially constituted under the Act of 1898 as an organisation apart and distinct from the Municipal Corporation, it was recognised that the work which that Board was constituted to do had not yet been done and that while the Trust itself should come to an end, the Trust work should continue. Bombay Act XVI of 1925, therefore, transferred to the Municipal Corporation of the City of Bombay the property of the Board, not absolutely for the general purposes of the Corporation, but specially for the purpose of the improvement of the City, and conferred upon the Corporation certain of the rights conferred upon the Board, while a specially constituted committee of the Corporation, called an "Improvements Committee" is to carry on, subject to the control of the Corporation, the work of the Improvement Trust. This Improvements Committee is to be, in fact, an executive committee of the Corporation in regard to matters which appertain to the work of City Improvement, as the Schools Committee is the executive committee of the Corporation in matters which appertain to schools. The property vesting in the Corporation is not to be merged in the general property of the Board, but to be kept distinct and apart, while the revenues from all such property are to be applied for the purpose of City Improvement. Subject to certain limitations, the acquisition of land for the purposes of the Act is regulated by the provisions of the Land Acquisition Act, 1894, as applied and modified by the special provisions of this Act. The Board is given powers to raise loans for the purpose of City improvement. The Act also contains provision for the dissolution of the Board when their work is done and for the transfer to the Corporation for the general purposes of municipal administration of the property originally vesting in the Board for the special purpose of improvement.

The principal object of the Bombay City Municipalities Act, 1925 (Bombay Act XVIII of 1925), was to provide a more adequate basis for municipal administration in the larger cities of the Bombay Presidency. The Bombay District Municipal Act, 1901, applied to all municipalities in the Presidency except the Municipal Corporation of the City of Bombay and it was felt, each year with increasing force, that the same Act could not adequately provide for the needs of the larger and the smaller municipalities. Under the Bombay District Municipal Act, 1901, save where a Chief Officer or a Municipal Commissioner was appointed, the executive administration centred in the managing and other committees. It was thought that in the larger cities a Municipality could do little more than determining questions of policy; committees could exercise only general control over the municipal staff; and that the executive powers must be exercised largely by the permanent staff. It was

(Transferred Departments)

therefore, considered necessary to define with greater clearness the powers of the executive and to secure proper supervision and control by the appointment of a responsible executive officer, with clearly defined statutory powers, as the head of the municipal staff. This executive officer is called "Chief Officer" as the conditions of the appointment are largely similar to those of the officer of the same designation in the Bombay District Municipal Act of 1901. He is to be appointed by the Municipality, but he can be removed from office, reduced or suspended only by the votes of at least two-thirds of the whole number of councillors. His duties and powers are clearly specified in the Act; generally speaking the executive power centres in him. This process of devolution further extends to the municipal committees. The main committee is designated the Standing Committee. While larger questions of policy are decided by the Municipality, questions of lesser interest are disposed of by the Standing Committee which also exercises a general control over the executive as a Court of Revision in respect of orders of executive officers and as an authority whose previous sanction is required to the exercise of executive powers in matters of importance. The Act also adopts the Legislative Council franchise as the main basis of the municipal franchise and the maximum number of nominated members has been reduced to one-fifth. The disqualification of women for being councillors of a municipality has been removed. The Act represents the highest stage so far reached in the development of municipal government in mofussil municipalities.

The Bombay Cotton Markets Act, 1927 (Bombay Act XVII of 1927), was intended to provide for the establishment and the better regulation of cotton markets in the Presidency. The Indian Cotton Committee of 1917-18 drew attention to the necessity of better provision for the marketing of cotton and kapas by growers and pointed out the advantages of the Berar system of cotton markets as leading to better prices, fairer weighments and the prevention of illegal deductions. They held that the establishment of open cotton markets would benefit the grower indirectly and the cotton trade generally. The experience gained through the work of the Co-operative Cotton Sale Societies also showed the great value of organisation for the sale of graded kapas. The Act, which is purely an enabling measure, is based on the recommendations of the Indian Cotton Committee and on the Berar Cotton and Grain Markets Law, 1897.

Mention may also be made of an Act to amend the law relating to the University of Bombay which was passed at the February session of the Council. The University of Bombay was founded 70 years ago in 1857 as a purely examining body, all its Fellows being nominated for life by Government. The scope of the University was extended by India Act VIII of 1904, whereby it obtained a measure of control over the affiliated colleges in the province, and also received authority to appoint teachers of its own. The tenure of Fellowship was limited to five years, and an elective element was introduced in the constitution of the Senate by

(Transferred Departments)

allowing one-fifth of the Fellows to be elected by graduates and the Faculties. The spread of education since 1904 rendered necessary an inquiry whether the constitution of the University could not be altered still further so as to bring it into closer touch with the community in general and to enable it to discharge the higher duties demanded of it by the public in the shape of well-organised post-graduate teaching and research. A committee to consider the question of University Reform was accordingly appointed in May 1924 and submitted its report in the following year. Its recommendations which covered the whole realm of University education were considered by the Senate, by the principal educational associations in the Presidency and by leading educationists. The recommendations made by the Committee and the criticisms recorded thereon were carefully considered, and a Bill was drafted in order to give effect to such of the proposals as required legislation. The leading feature of the new law is that the constitution of the University is altered so as to make it adequately representative with a view to bring it into closer association with the public and with the industrial, commercial and civic life of the people of this Presidency, to enable it to provide greater facilities for higher education in all branches of learning including technology, and to undertake on a larger scale than heretofore post-graduate teaching and research, while continuing to exercise due control over the instruction imparted in colleges affiliated to it from time to time. It is proposed to continue the Senate as the supreme governing body of the University, and to give it greater independence by reducing the nominated element from four-fifths to about one-fourth. In order to provide for adequate representation of all interests, it is proposed to increase the number of Fellows from 100 to 160. The power of nominating 40 Fellows is proposed to be retained for the Chancellor, principally to correct inequalities of representation. To meet the public demand for post-graduate teaching and research in all branches of learning and technology, it is proposed to create a statutory body, the Academic Council, consisting of educational experts who will deal efficiently with all academic questions. This body will work in collaboration with the Syndicate, which will remain the principal executive of the University. The inevitable expansion of the field of University activities will, sooner or later, necessitate the employment of an eminent administrator-educationist as a whole-time officer of the University to co-ordinate various branches of work. Provision has, therefore, been made for the appointment of a Rector whenever the Senate desires to create the office.

Social Progress in the Presidency

385. The question of social reform has been prominent before the public in this Presidency as in other parts of India for nearly forty years past. In 1887 the first session of the Indian National Social Conference was held and the first organised attempt to tackle the various problems of social reform was made. But although the conference met annually progress was

SOCIAL PROGRESS
IN THE PRESID-
ENCY.

(Transferred Departments)

necessarily slow until the last few years when the democratic ideals encouraged by the War gave an impetus to the social reform movement in India.

386. The main problems which confront social reformers in this country are:—

- (1) Caste system ;
- (2) Untouchability ;
- (3) Child marriages ;
- (4) Widow re-marriages ; and
- (5) Education and emancipation of women.

(1) *The Caste System*.—The institution of caste which is peculiar to the Hindus and is intimately bound up with the structure of Hindu society has presented a very serious obstacle to the progress of social reform. Under the system as it exists, social intercourse between the members of different castes or sub-castes is very limited. Not only may a Brahmin not take water or food from the hands of a non-Brahmin, but a Brahmin belonging to one sect may not take water or food prepared by a Brahmin belonging to another sect. Inter-marriages between members of different communities or castes or in some cases between members of different sub-castes of the same caste are not allowed. Voyage by sea is prohibited in the case of the Brahmins and some other high caste Hindus. The rigidity of the customs is, however, rapidly relaxing. Voyage by sea beyond the shores of India has become so very common that even among the higher communities the extreme step of ex-communicating persons who have crossed the sea is seldom taken. The majority of people do not now object to taking tea or food at restaurants or hotels owned by persons belonging to communities other than their own. This is especially the case in the larger cities. Inter-marriages between members of different sub-castes, castes or even communities are occasionally reported, though these are not yet common. Various minor restrictions imposed by the caste system have been considerably relaxed, owing to the spread of education and the influence of western life and ideals.

(2) *Untouchability*.—The problem of untouchability is not merely a social one. It has an important political aspect. Owing to the prevalence of untouchability a large section of the population is denied the enjoyment of its legitimate civic rights. Untouchability, which is also peculiar to the Hindus, is intimately bound up with the caste system and has, therefore, in the minds of some people, a religious basis. The untouchable or depressed classes who form about a thirteenth part of the total population of the presidency are denied many of the ordinary civic rights and privileges. They are in many places forbidden to draw water from the public wells ; they are denied the use of public temples and dharamshalas ; their children are not generally admitted into ordinary schools, and, when admitted, are made to sit apart from others.

The efforts of public and private organisations have been for some time directed towards the uplift of these classes. Government have devoted

(Transferred Departments)

a good deal of attention to the problem. They have already declared all Government wells and dharamshalas constructed out of public funds in the presidency open to these classes and have laid it down as their policy that as regards educational facilities no discrimination should be made against pupils of these classes in any institutions maintained or aided from public funds. A large number of scholarships in schools and colleges are reserved for members of these classes. Members of the depressed classes are now given representation by election in the Major Municipalities under the Bombay City Municipalities Act of 1925, and by nomination on the Local Boards under the District Local Boards Act of 1923. With regard to other local bodies Government have now issued orders that members of the depressed classes wherever any are found capable and willing to serve, should be nominated to local bodies. The Bombay Primary Education Act, 1923, expressly provides for the representation of these classes on the school boards of local authorities.

There are a number of voluntary agencies which have been doing splendid work in connection with the amelioration of the condition of the depressed classes. Prominent among these are the Depressed classes Mission which has branches at Bombay, Poona and Hubli, the Social Service League and the Prarthana Samaj. The first of these institutions is mainly responsible for the present awakening among the depressed classes, and has been arranging from time to time Conferences in which persons who have the cause of social reform at heart take part. It is conducting at present three hostels, industrial classes and a large number of primary schools for the educational advancement of the untouchable classes. A good deal of the progress in the field of social reform which has been effected within the last few years is also due to the efforts of Mr. Gandhi in this direction. He has always impressed upon his followers the necessity for the elevation of the depressed classes, and his influence has unquestionably served to arouse widespread interest in this great social problem. In 1923 a body so representative of orthodox Hindu opinion as the Hindu Maha Sabha after a protracted discussion unanimously passed a resolution removing from the untouchable classes the ban in regard to schools, public wells, meeting places and temples.

The Bombay Legislative Council has taken a good deal of interest in the cause of the uplift of the depressed classes. In 1923 it passed a resolution recommending that the untouchable classes should be allowed the use of public watering places, wells and dharamshalas which are built and maintained out of public funds or are administered by bodies appointed by Government or created by statute, as well as public schools, courts, offices and dispensaries, and that any discretionary grants paid to local bodies which refused to give effect to this resolution should be reduced. Government have taken steps to give effect to this resolution.

Although both Government and voluntary organisations have been working steadily for the uplift of the depressed classes and the removal of untouchability, it is evident that reform will come most speedily,

(Transferred Departments)

not from the efforts of philanthropists, but from organised self-assertion on the part of the depressed classes themselves. During the last few years there have been hopeful signs of advance in this direction. The improved economic condition of labour has benefited the depressed classes as well as others, and has stimulated them to activities for the betterment of their class. They are learning the value of combination and conferences are being held from time to time by representatives of the depressed classes in all parts of the presidency. The spirit of self-assertion which has recently manifested itself among these classes is illustrated by the incident which occurred towards the end of 1927 at Mahad in the Kolaba district, where certain members of the depressed classes forcibly asserted their right to take water from a municipal tank the use of which had been forbidden to them. Their action resulted in some rioting and the local municipality in consequence of it rescinded a previous resolution passed by it which had thrown open all municipal tanks to the depressed classes. The representatives of the depressed classes thereupon resolved to re-assert their right to take water from the tank, and about six thousand of them from all districts in the presidency assembled in December 1927 at Mahad with the object of enforcing their right. The question has since been referred to the courts.

Mention may also be made in this connection of a movement recently started under the leadership of Dr. Ambedkar, a member of the Legislative Council, for investing the depressed classes with the sacred thread, which, according to the Hindu Shastras, only the upper classes are entitled to wear.

(3) *Child marriages.*—The custom of child marriages is not exclusively a Hindu custom and of the Hindus amongst whom the custom is common, it is among the lower rather than among the higher castes that it is most rigidly observed. According to the last All-India census, the number of girls married under the age of 10 among 1,000 women in each of the four main communities—Hindus, Mussalmans, Christians and Tribal religions—was as follows :—

Hindus	..	..	..	125
Mussalmans	..	..	..	56
Christians	..	..	..	80
Tribal religions	..	..	..	31

The problem of child marriages is engaging the serious attention of social reformers in India for some time. Men like Malabari, Bhandarkar, Ranade, Telang and Chandavarkar, the last three of whom were Judges of the Bombay High Court, worked vigorously in the cause of social reform in this particular direction, and their influence was considerable. Women themselves have been taking an active part in the social reform movement in this direction. In February 1928 a deputation of the Indian Women's Conference held in Delhi waited on certain influential non-official members of the Assembly and pressed them to support the prohibition of marriages of girls below 16 years and the

(Transferred Departments)

raising of the age of consent to 16 years. Women's associations all over India have been urging similar reforms.

(4) *Widow re-marriages*.—Another problem which has been engaging the attention of social reformers all over India is that of widow re-marriage. The objection to the re-marriage of widows is confined to the higher castes among the Hindus. A large number of associations has been formed in this presidency with the object of encouraging re-marriage of widows in communities in which it is forbidden at present. Progress in this direction is, however, very slow.

(5) *Education and Emancipation of women*.—A detailed account has been given in chapter III of the progress made in recent years in connection with the education of women in this Presidency. The following remarks which appear in the report on the progress of education in this presidency for the five years ending 1921-22 and which were made by officers in close touch with the education of women are interesting :—

"With the progress of education the limit of age for marriage has increased, especially among girls belonging to the high caste Hindus. In consequence the percentage of unmarried girls attending school is higher than it was in 1917-18. Then too, marriage, in many cases, does not mean withdrawal from school. Husbands see the wisdom of allowing their wives to complete their school course. There is, however, a marked falling off in the numbers in standards V and VI, proving that parents do not consider the present school curriculum suitable for their daughters who are not going in for a college course."

"The old prejudices against female education are dying out and even social barriers of age and early marriage are being relaxed to enable girls to receive primary and secondary education. Now more grown up girls are found at school than five years ago. The girls who had completed the third standard course in the Anglo-Vernacular Girls' schools at Thana and Nasik had been very earnest in urging the opening of the fourth standard class for them to enable them to continue their studies further."

"Grown up girls were found competing with boys in the higher standard of Government high schools at Thana, Nasik and Ratnagiri. Girls are coming forward to receive training in training institutions to take up teaching as their profession. In Bombay where there are special facilities for the education of women and grown up girls in special institutions like the Seva Sadan, Vanita Vishram, Mrs. Nikambe's Married Women's Home, etc., many girls of advanced age and widows undergo training for the teachers' profession."

"In cities like Ahmedabad, Surat and Nadiad, people kept their girls at school for a longer period. In rural areas the marriageable age is 11 or 12 and girls are generally withdrawn from schools after marriage. Marriage age limit has been much raised among Nagars, Kshatriyas and Kayasthas and the girls study in schools for longer times."

It must be remembered that these remarks were made in 1922 and that since then appreciable progress has been made in female education.

*List of Institutions established for the promotion of social reform in the
Bombay Presidency*

1. Institutions in the City and Island of Bombay.

(1) *Alexandra Native Girls' Institutions, Bombay*.—Started in 1863 with the object of imparting education to Indian ladies up to the Matriculation standard. It is the first institution of its kind in India. Besides a European Lady Superintendent, there are special mistresses for music and callisthenics, drawing, kindergarten, French and needle

(Transferred Departments)

work. Girls who are not regular students can join the class for any separate subject.

(2) *Arya Mahila-Samaj, Girgaon, Bombay.*—Founded in June 1883, with the object of working for the religious, social, moral and economic well-being of Indian women. Lectures on social subjects are arranged from time to time. Scholarships are given to girls studying in schools and colleges. The Samaj has a library well equipped with books on religious, social and industrial subjects. Since 1919 the Samaj has been distributing milk free to infants and pregnant women who are too poor to pay for it.

(3) *Arya Mandal, Chowpatty, Bombay.*—The object of the Mandal is "to create union among the Aryans and to do away with such things as reduce the importance of the Vedas, to destroy caste distinction and encourage intermarriages and widow marriages."

(4) *Aryan Brotherhood, Sandhurst Road, Bombay.*—Its aim is to do away with the caste system and to unite people of all castes and creeds together.

(5) *Arya Pratinidhi Sabha, Girgaum, Bombay.*—The objects of the Sabha are "to spread the Vedic religion throughout the world, to bring about social reforms by giving moral education, to give free education in English and Sanskrit." The Sabha sends preachers throughout the Presidency.

(6) *Arya Subeehkhak Mandal, Chowpatty, Bombay.*—Started with the object of promoting widow remarriage and other reforms.

(7) *Bhagini Samaj, Girgaum, Bombay.*—Founded in 1916 in memory of the late Mr. Gopal Krishna Gokhale, to work among the Gujarati speaking women. Its main object is to work for the progress of women and to help other associations working on similar lines. The Samaj publishes occasionally books and pamphlets. Lectures on subjects of social importance are frequently arranged. Educational classes are held in different localities for the purpose of imparting general education; the students are also taught spinning, sewing, embroidery, etc.

(8) *Bombay Presidency Social Reform Association, Girgaum, Bombay.*—Founded in order "(1) to elevate the status of women among Hindus by means of education and the abolition of such customs and practices as tend to lower their social status and (2) to introduce social reforms by raising the limit of marriageable age of both sexes and the discouragement of polygamy."

(9) *Bombay Presidency Women Graduates' Union.*—Objects: (1) To act as an organisation which shall afford opportunity for the expression of united opinion, and for concerted action by University women; (2) to facilitate intercourse and co-operation between University women and maintain their interest in and connection with academic life; (3) to encourage independent research and to stimulate the interest of

(Transferred Departments)

women in public life. The membership is open only to women who hold a recognized University degree or equivalent qualifications.

(10) *Bombay Presidency Women's Council*.—Objects : (1) To associate women of all races in the Bombay Presidency for their mutual help and the service of others ; (2) to co-ordinate and direct women's societies in this Presidency so as to prevent overlapping and waste of energy ; (3) to affiliate existing women's societies in this Presidency and to act as an agency for the distribution of information gleaned from other fields of women's work likely to be of service to the women of India ; (4) to further in every way, as may be deemed advisable, the interests and advancement of women in India and to train them for the responsibilities of citizenship.

(11) *Depressed Classes Mission Society*.—Founded in 1906 by the late Sir N. G. Chandavarkar and certain other members of the Bombay Prarthana Samaj. Its aims and objects are "to elevate the condition of the depressed and neglected classes in India by promoting education amongst them, providing them with employment, remedying their social disabilities and improving their spiritual condition. It serves nearly 1,000 children of the untouchable classes. In Bombay it has two Marathi Primary and three Gujarati Primary schools, one Anglo-Vernacular school, one industrial school and workshop, one night school, three samajas and one debating society.

(12) *Ghatkopar Kanya Vidyalyaya*.—Started in 1910. Its object is to promote female education. It pays special attention to moral and religious instruction and to physical culture. It also trains girls in sewing, painting, drawing, music, etc. The school is supported by donations from the public. Lectures on useful subjects by eminent ladies are arranged on Sundays.

(13) *Gujarati Hindu Female Education Classes*.—The classes are open daily from 1 to 4 p.m. and about 100 to 150 ladies attend these classes daily. The annual expenses amounting to Rs. 2,000 to Rs. 3,000 are borne by Mr. Narottam Morarji, a Bhatia merchant and millowner of Bombay.

(14) *Gujarati Hindu Stri Mandal, Girgaum, Bombay*.—Founded in 1903. Its objects are (i) to encourage friendly relations among the Gujarati Hindu women ; (ii) to educate them and to make them useful citizens ; (iii) to elevate their social, industrial and political status. It frequently arranges kirtans, lectures, social gatherings and home classes. A class for grown up women is held on week days in the afternoon and instruction is imparted in English, sewing, cutting and music. A kindergarten class has been opened since January 1923. The Mandal maintains a free reading room and library. Books and pamphlets are also published by the Mandal from time to time.

(15) *Hind Mahila Samaj, Girgaum*.—Founded in 1918. The objects of the Samaj are " (1) to encourage friendly feelings and co-operation among women ; (2) to promote education among women and to make them conscious of their responsible position in society ; to place before

(Transferred Departments)

them the ideas of Aryan morality; (3) to arrange for lectures by prominent persons and to hold occasional debates; (4) to promote the Swadeshi movement." The Samaj also maintains a good library.

(16) *Hindu Gujarati Shikshan Varga*.—Classes maintained by Mr. Narottam Morarji for adult Gujarati women.

(17) *Hindu Gujarati Women's Teaching Class*.—Started in March 1913 to impart education to Hindu Gujarati ladies. The courses of instruction include English, religion, domestic affairs, etc. The management is in the hands of a committee. The class is held in the noon so that ladies who have to attend to household duties in the morning may be able to attend.

(18) *Hindu Widows' Home, Thakurdwar, Bombay*.—Founded in 1916 by the Bombay Presidency Social Reform Association to facilitate remarriages of Hindu widows desiring to re-marry.

(19) *Kanya Vikrayanishedha Mandal, Bombay*.—Started in 1913 to promote marriage reforms generally and particularly to discourage infant marriage, ill-assorted or unequal marriages and such others as are usually the outcome of the pecuniary greed of the bride's parents. The Mandal carries on propaganda work by means of lectures and distribution of pamphlets.

(20) *Mangaldas Nathubhai Girls' School*.—Founded in September 1883 by the late Sir Mangaldas Nathubhai to provide education and religious instruction among Hindu girls.

(21) *Prarthana Samaj, Bombay*.—Founded in 1867. The main principles of the Samaj are (1) that there is only one God who has created this world and that only by worshipping Him can happiness be obtained in this world; (2) that He can be worshipped through prayer in music or any other form; (3) that idol worship is not true worship; (4) that God is never incarnated in this world; (5) that all men are His children and *should therefore live together in a brotherly spirit ignoring all distinctions of caste*.

(22) *Servants of India Society, Bombay Branch*.—The Society was started in 1905 by the late Mr. G. K. Gokhale, C.I.E., with a view to training up national missionaries for the service of India and to promote, by all constitutional means, the true interests of the Indian people. Members have to take pledges or vows as under:—

(i) that the country will always be the first in his thoughts and he will give to her services the best that is in him;

(ii) that in serving the country he will seek no personal advantage to himself;

(iii) that he will regard all Indians as brothers and will work for the advancement of all without distinction of caste or creed;

(iv) that he will be content with such provision for himself and his family, if he has any, as the Society may be able to make and that he will devote no part of his energies to earning money for himself;

(v) that he will lead a pure personal life;

(Transferred Departments)

- (vi) that he will engage in no personal quarrel with anyone ;
- (vii) that he will always keep in view the aim of the Society and watch over its interests with the utmost zeal, doing all he can to advance its work ;
- (viii) that he will never do anything, which is inconsistent with the objects of the Society.

The Bombay Branch which has a home built for it on Sandhurst Road carries on active work in Bombay and the mofussil in various directions, viz., (1) political, (2) educational, (3) agricultural, (4) co-operative, (5) sanitary, (6) social service, (7) social reform, (8) welfare work, (9) flood relief, (10) general work, philanthropic in character. The members of the Bombay Branch have so far worked directly in the fields of social purity, elementary education, female education, social service, agricultural improvement by organising the agriculturist credit, and relief work connected with widespread calamities.

(23) *Seva Sadan Society, Gamdevi*.—Established in 1908. Objects :—Social, educational and medical service through Indian sisters (regular and lay). Following departments of work are maintained :—

- (1) Home for the homeless ;
- (2) Home Education classes ;
- (3) Marathi Training College ;
- (4) Industrial Department (cutting, sewing, cookery, hosiery, laundry, artificial flowers and fancy embroidery are among the chief industries taught) ;
- (5) Normal classes.

All these are mainly for the benefit of poor women. Total number of girls and women taking advantage is over 500.

(24) *Social Service League*.—Founded in March 1911 through the exertions of the late Sir N. G. Chandavarkar, the late Sir Bhalchandra Krishna, the late Sir G. K. Parekh and some members of the Servants of India Society. The aims and objects of the League are (1) the collection and study of social facts, the discussion of social theories and social problems with a view to forming public opinion on questions of social service ; (2) the pursuit of social service generally and specially with a view to ameliorate the physical, moral, mental or economic condition of the people by (a) endeavouring to secure for them better and reasonable conditions of life and work and taking necessary steps for the accomplishment of this object ; (b) providing for their education by means of day and night schools and continuation classes for literacy and industrial education, lecture series, lantern demonstrations, reading rooms and libraries, (c) providing for their medical relief, (d) spreading amongst them the co-operative movement in the form of co-operative credit societies, co-operative stores, co-operative housing, co-operative insurance, etc., (e) providing for them means of recreation such as social clubs, gymnasia, open spaces, week-end excursions, etc., (f) promoting sanitation and hygiene, personal, domestic and public ; (g) combating actively the evils of intemperance, gambling, prostitution

(Transferred Departments)

and other vices, (h) taking measures for the education and reclamation of convicts and criminal classes, (i) endeavouring to relieve poverty and distress ; (3) adoption of measures for the training of social workers ; (4) adoption of measures for the organisation of charities and social work. The work of the league is steadily growing and its travelling libraries and magic lantern lectures, night schools, sewing classes for women, social workers' training class have grown in popularity.

(25) *Students' Brotherhood*.—Objects:—(1) to promote the moral and intellectual development of its members and with this view to arrange for weekly classes, public lectures and addresses, social and literary gatherings and (2) to bring together persons of all communities desirous of raising the moral tone of the rising generation.

(26) *Valibai Sanskrit and Gujarati Girls' School*.—Founded about 30 years ago by a Bhatia lady named Bai Valibai to impart free instruction to girls in religion, sewing, knitting and embroidery. About a hundred girls take advantage of it.

(27) *Vanita Vishram*.—Founded in 1915 to promote the religious and moral welfare of widows and also to train married and unmarried women to be good mothers and wives, who would be helpful to the country. The institution has also opened homes at Surat and Rajkot.

(28) *Veda Prachar Fund*.—Founded in 1905 by the Arya Samaj to spread education and social reforms and to establish boarding houses, girls' schools, etc.

2. *Institutions in the mofussil.*

(29) *Anath Vidyarthi Griha, Ahmednagar*.—Its object is to provide poor and deserving students, *without distinction of caste or creed*, with lodging and boarding and to teach them English, Marathi, Urdu, Sanskrit, etc.

(30) *Brahmo Samaj, Poona*.—Its object is to promote social reform and general welfare of the people.

(31) *Depressed Classes Mission, Poona*.—Founded to promote the cause of the Depressed Classes. It is the Poona Branch of the Depressed Classes Mission Society of India. Associated with it is also a Karnatak Branch.

(32) *Depressed Classes Mission, Sholapur*.—Aims and objects : the same as those of the Depressed Classes Mission, Poona.

(33) *Hindu Ladies' Social Club, Poona*.—Objects : to give education to such ladies as are desirous of learning but cannot do so on account of household duties or advanced age, to arrange for lectures by medical men and others on subjects like Hygiene, etc., and also to teach embroidery, etc., to ladies.

(34) *Hindu Social Reform Association, Hyderabad*.—Objects:—To prevent early marriages ; to reduce marriage expenses ; to promote female education and to work for equal status for women.

(Transferred Departments)

(35) *Hindu Social Reform Association, Sukkur*.—Objects: the same as in item (34) above.

(36) *Hindu Widows' Home Association, Poona*.—Founded in 1885 by Professor D. K. Karve to impart education to widows of high caste.

(37) *Indian Women's University, Poona*.—Founded by Professor D. K. Karve. Its objects are (1) to make provision for the higher education of women through the vernacular as the medium of instruction and to formulate courses of study specially suited to the needs and requirements of women; (2) to make provision for the training of teachers for primary and secondary schools and (3) to institute and confer such degrees and grant such titles, diplomas, certificates and marks of honour in respect of examinations and degrees as may be prescribed by the regulations.

(38) *Kundanmal Girls' School, Hyderabad*.—Established with the object of promoting higher education among girls in Sind.

(39) *Nari Shala, Hyderabad*.—To give shelter and education to widows.

(40) *National Social Conference*.—The conference meets annually, in different parts of India in different years. The aims and objects of the organisers are (1) to advocate the abolition of the Purdah system; (2) to put a stop to early marriages; (3) to ameliorate the condition of the depressed classes; (4) to re-admit into caste those who have travelled abroad; (5) to promote inter-dining and inter-marriage between people of different castes; (6) to promote widow re-marriage and female education; and (7) to discourage and prevent, where possible polygamy, unequal marriages, intemperance, the dowry system and extravagant expenditure on marriage occasions.

(41) *Seva Sadan, Poona*.—Its objects are to prepare young people for social service, to create a bond of fellowship among women, to try to elevate their position and to promote their education. The institution is open to women only.

(42) *Shree Bandhu Mandal, Karachi*.—Objects:—To form a nucleus of brotherhood and to stimulate unity among the Hindu communities, to promote a literary taste among them, to discourage superstitious customs and ceremonies among the masses and to undertake social service.

(43) *Social Service League, Karachi*.—Formed with the object of stimulating and organising social work.

(44) *Bholanath Ladies' Institute, Ahmedabad*.

(45) *Vanita Vishram, Ahmedabad*.—Founded to promote female education including education of widows. Instruction free to all inmates.

(46) *Vanita Vishram, Surat*.—Has a boarding house for widows who are given education in the institute.

(47) *Vidhava Vivaha Pratibandha Nivarak Mandal*.—Founded with the object of promoting the re-marriage of Hindu widows.

(48) *Widow Re-marriage Association, Poona*.—Objects: same as for item (47) above.

(Appendices A and B)

APPENDIX A

Statement showing the total number of receipts in the several departments of the Secretariat.

Department	Bills		Questions		Resolutions		Total receipts including Questions and resolutions	
	1919	1927	1919	1927	1919	1927	1919	1927
Revenue .. ..	..	..	209	1,082	34	155	19,673	29,810
Home .. ..	..	..	98	264	10	78	14,640	26,341
General, etc., Departments .. ..	..	..	157	749	38	165	26,090	32,436
Legal	11	39	3	57	NIL	10	6,014	11,216
Finance .. ..	..	..	22	177	12	99	12,051	24,289
Public Works .. ..	..	..	77	332	15	58	22,022	36,522
Total	11*	39*	666	2,661	109	565	100,480	160,614

Remarks.—Bills.—*All bills going to Departments are dealt with in the Legal Department, hence the number in the Legal Department is shown as the total.

APPENDIX B

The number and distribution by districts of the Presses in the Bombay Presidency in 1920 and 1926.

Division or District				1920	1926	Increase
1				2	3	4
Bombay City .. ..	..	..	..	248	401	153
<i>Northern Division—</i>						
Ahmedabad .. ..	..	..	..	57	64	....
Surat .. ..	..	..	..	24	33	....
Broach .. ..	..	..	..	6	6	....
Panch Mahals .. ..	..	..	..	3	6	....
Kaira .. ..	..	..	..	12	19	....
Thana .. ..	..	..	..	10	8	....
				112	136	24
<i>Central Division—</i>						
Poona City .. ..	..	..	..	60	100	....
Poona District .. ..	..	..	..	6	7	....
Nasik .. ..	..	..	..	10	11	....
West Khandesh .. ..	..	..	..	6	6	....
East Khandesh .. ..	..	..	..	9	17	....
Sholapur .. ..	..	..	..	17	25	....
Ahmednagar .. ..	..	..	..	11	12	....
Satara .. ..	..	..	..	17	27	....
				136	205	69

(Appendices B and C)

APPENDIX B—*contd.*

Division or District	1920	1926	Increase
1	2	3	4
<i>Southern Division—</i>			
Belgaum	14	21	....
Dharwar	26	32	....
Bijapur	6	9	....
Kanara	8	11	....
Kolaba	6	8	....
Ratnagiri	7	12	....
	67	93	26
<i>Sind—</i>			
Karachi	26	74	....
Hyderabad	9	15	....
Nawabshah .. .. .	..	3	....
Sukkur	8	16	....
Larkana	4	6	....
Thar Parkar	1	2	....
Upper Sind Frontier	1	1	....
	49	117	68
Grand total ..	612	952	340

Note.—In 1920, of the total number of Presses, 40 per cent were located in Bombay City and 9·5 per cent in Poona City, the proportion for 1926 being 42 and 10 per cent respectively.

APPENDIX C

Statement showing the Actual Annual Distribution of funds between the Reserved and Transferred Departments since the introduction of the Reforms.

(In thousands of rupees)

—	1921-22	1922-23	1923-24	1924-25	1925-26	1926-27	1927-28, revised
<i>Total expenditure charged to revenue</i>	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Reserved	9,41,41	8,99,77	9,45,79	9,96,14	11,33,14	10,92,72	10,52,27
Transferred	5,60,52	4,53,40	4,77,65	4,76,43	5,16,59	5,58,96	5,46,76
<i>Total Capital Expenditure not charged to revenue</i>							
Reserved	8,28,95	7,43,44	9,91,92	7,55,38	7,88,44	5,47,46	5,67,00
Transferred	4,03	70,70	73,32	87,06	81,26	44,96	43,50
Total Reserved	17,70,36	16,43,21	19,37,71	17,51,52	18,71,58	16,40,18	16,19,27
Total Transferred	5,64,55	5,24,10	5,50,97	5,63,49	5,97,85	6,03,92	5,90,26
Total disbursements	23,34,91	21,67,31	24,88,68	23,15,01	24,69,43	22,44,10	22,09,53

Note.—(a) The figures of the Reserved Departments include the expenditure on the Development Department, the interest on the loans for Development purposes made to the three Local Bodies in Bombay City, and also the expenditure on development recently transferred to Revenue Heads.

(b) The 1921-22 figure for Transferred Departments on account of expenditure charged to revenue is swollen by the expenditure on "41, Civil Works" which in that year was very heavy, and which has subsequently been largely replaced by expenditure from loan funds which are classified as Reserved.

(c) The expenditure on the heads "Superannuation allowances and Pensions" and "Interest" though incurred for all Departments is treated as Reserved.

(Appendices D and E)

APPENDIX D

Statement showing receipts and expenditure under "Agriculture" during the period 1904-05 to 1926-27.

Year					Receipts	Expenditure
					Rs.	Rs.
1904-05	..	..	..	..	6,827	1,08,002
1905-06	..	..	..	..	29,299	1,92,058
1906-07	..	..	..	..	28,654	3,10,897
1907-08	..	..	..	..	39,999	3,28,595
1908-09	..	..	..	..	37,279	4,25,644
1909-10	..	..	..	..	52,593	5,35,821
1910-11	..	..	..	..	82,110	5,55,445
1911-12	..	..	..	..	85,414	5,73,508
1912-13	..	..	..	..	86,809	6,40,973
1913-14	..	..	..	..	1,06,299	7,42,483
1914-15	..	..	..	..	1,01,325	8,21,249
1915-16	..	..	..	..	1,34,151	7,99,106
1916-17	..	..	..	..	1,54,949	8,42,454
1917-18	..	..	..	..	2,05,155	9,81,871
1918-19	..	..	..	..	2,54,595	12,88,842
1919-20	..	..	..	..	4,18,560	13,21,185
1920-21	..	..	..	..	2,45,561	16,17,266
1921-22	..	..	..	..	2,72,780	19,43,105
1922-23	..	..	..	..	3,03,847	14,69,482
1923-24	..	..	..	..	3,38,164	15,02,598
1924-25	..	..	..	..	3,26,300	15,44,325
1925-26	..	..	..	..	3,04,310	16,05,039
1926-27	..	..	..	..	2,87,000	16,84,000

APPENDIX E

Statement showing the receipts and expenditure under "Forests" during the period 1904-05 to 1926-27.

Year					Receipts	Expenditure
					Rs.	Rs.
1904-05	..	..	..	..	30,20,558	19,03,804
1905-06	..	..	..	..	34,84,993	21,26,093
1906-07	..	..	..	..	34,22,481	19,90,749
1907-08	..	..	..	..	36,46,177	19,55,427
1908-09	..	..	..	..	35,87,356	20,43,873
1909-10	..	..	..	..	37,57,656	20,63,088
1910-11	..	..	..	..	37,18,225	20,70,417
1911-12	..	..	..	..	43,30,569	26,64,436
1912-13	..	..	..	..	49,92,519	26,92,455
1913-14	..	..	..	..	51,03,156	25,89,878
1914-15	..	..	..	..	46,80,242	24,87,925
1915-16	..	..	..	..	47,01,263	26,42,038
1916-17	..	..	..	..	55,19,177	25,64,682
1917-18	..	..	..	..	63,12,022	33,53,715
1918-19	..	..	..	..	1,04,94,031*	78,72,196*
1919-20	..	..	..	..	84,94,438	59,18,681
1920-21	..	..	..	..	68,65,585	53,39,022
1921-22	..	..	..	..	74,93,564	49,72,438
1922-23	..	..	..	..	70,37,384	39,46,514
1923-24	..	..	..	..	71,49,004	43,33,436
1924-25	..	..	..	..	73,07,064	42,69,046
1925-26	..	..	..	..	75,28,037	40,53,880
1926-27	..	..	..	..	76,56,000	41,40,000

*In the year 1918-19, the receipts swelled in consequence of the supply of timber and other forest produce to the Munitions Board and the high prices prevailing in the market. The increase of the demand necessitated enhancement of the cost of exploitation.

(Appendix F)

APPENDIX F

*Statement showing the receipts and expenditure under "Excise" during the period
1904-05 to 1926-27.*

Year					Receipts	Expenditure
					Ra.	Ra.
1904-05	..	..	..	..	1,39,66,682	4,70,418
1905-06	..	..	..	..	1,42,67,667	5,21,359
1906-07	..	..	..	..	1,48,36,335	5,37,698
1907-08	..	..	..	..	1,63,86,607	6,50,761
1908-09	..	..	..	..	1,68,45,360	10,18,665
1909-10	..	..	..	..	1,75,46,814	9,33,919
1910-11	..	..	..	..	1,89,72,896	9,45,547
1911-12	..	..	..	..	2,02,94,345	10,57,043
1912-13	..	..	..	..	2,12,27,132	10,79,785
1913-14	..	..	..	..	2,22,59,446	10,85,613
1914-15	..	..	..	..	2,20,07,779	11,43,213
1915-16	..	..	..	..	2,27,91,330	11,47,633
1916-17	..	..	..	..	2,60,50,666	11,23,723
1917-18	..	..	..	..	3,19,81,880	11,13,522
1918-19	..	..	..	..	3,73,88,686	12,99,273
1919-20	..	..	..	..	3,98,23,636	16,09,193
1920-21	..	..	..	..	4,54,85,645	38,09,472
1921-22	..	..	..	..	3,42,68,752	28,80,199
1922-23	..	..	..	..	4,22,78,811	32,76,014
1923-24	..	..	..	..	4,34,58,633	35,36,075
1924-25	..	..	..	..	4,42,98,054	40,38,690
1925-26	..	..	..	..	4,15,33,303	54,18,005*
1926-27	..	..	..	..	4,09,39,000	64,02,000*

* The increase of expenditure as compared with that for the years preceding 1925-26 is mainly due to the introduction of a revised method of keeping accounts of the sale of opium and investments in Government commercial undertakings.

(Appendix G)

APPENDIX
Statement showing the growth of

Name of the district	Number of villages	Population	Existing number of societies
1	2	3	4
1. Ahmedabad	898	890,911	88
2. Kaira	584	710,982	145
3. Panch Mahals	693	374,860	141
4. Broach	415	307,745	188
5. Surat	804	674,351	186
6. Nasik	1,341	832,576	191
7. East Khandesh	478	1,075,837	528
8. West Khandesh	406	641,847	270
9. Ratnagiri	1,337	1,154,244	67
10. Kolaba	1,633	562,942	42
11. Ahmednagar	1,374	731,552	142
12. Bombay .. ..	....	1,175,914	226
13. Thana and Bombay Suburban.	1,553	914,838	94
14. Poona	1,145	1,009,033	253
15. Satara	1,157	1,026,259	252
16. Sholapur	719	742,010	194
17. Bijapur	1,172	796,876	200
18. Dharwar	1,260	1,036,924	636
19. Belgaum	1,132	952,996	235
20. Kanara	1,417	401,727	121
21. Hyderabad	929	573,450	226
22. Nawabshah	700	418,660	112
23. Karachi	665	542,065	73
24. Sukkur	884	510,292	95
25. Larkana	737	597,960	178
26. Thar and Parkar	857	396,331	166
27. Upper Sind Frontier	432	240,619	13
Total	24,722	19,293,801	5,062

(Appendix G)

the Co-operative Movement.

Total number of members	Percentage of societies to villages in the district	Percentage of societies' mem- bers to the population in the district	Working Capital	
			District	Per member
5	6	7	8	9
			Rs.	
6,715	9·7	·7	11,99,134	178
13,180	24·8	1·8	12,05,168	91·4
8,684	20·3	2·3	4,75,229	54·7
13,393	45·4	4·3	30,92,569	230·9
13,832	23·1	2	31,58,802	228
11,934	14·2	1·4	11,11,075	93
36,570	35·7	3·4	49,15,263	135
20,378	19·2	3·2	22,18,501	108
7,790	5·01	0·7	3,26,469	41·9
3,167	2·5	0·6	71,442	22·6
10,635	10·3	1·4	16,45,079	154·7
71,862	....	6·2	1,39,56,207	194·2
11,208	6·06	1·2	16,13,229	143·9
23,268	22·08	2·3	54,80,026	235
21,780	21·7	2·1	22,78,276	104
15,996	27	2·1	16,07,462	100·4
17,450	17·1	2·19	15,75,889	90
75,996	50·5	7·3	99,60,310	131
30,863	20·7	3·2	37,21,445	120·5
18,888	8·5	4·7	20,74,476	109·8
8,587	24·3	1·49	20,64,619	240
3,549	16·0	·84	5,19,959	146
6,722	11·0	1·24	14,83,000	221
3,111	10·7	·61	5,27,028	169
5,575	24	·93	13,48,912	242
4,955	19·3	1·25	13,64,795	276
570	3	·23	43,179	76
466,658	20·5	2·4	6,90,37,543	147·9

(Appendices H, I and J)

APPENDIX H

Statement showing the progress of the Co-operative movement in the Bombay Presidency (including Sind).

				No. of societies	Members	Working capital
						Rs.
1904-05	.	..	..	12	219	Not known.
1910-11	..	..	..	250	20,195	13,58,492
1919-20	..	..	..	2,571	237,954	2,60,55,354
1926-27	..	..	..	5,091	482,730	10,26,50,816

APPENDIX I

Statement showing the progress of the movement in the Bombay Presidency including Sind on 31st March 1927.

Types of Societies	No. of societies	No. of members	Capital	Reserve fund
			Rs.	Rs.
Central Banks ..	21	12,281	3,64,68,234	7,80,145
Agricultural Societies ..	4,286	300,077	3,63,50,347	37,47,008
Non-Agricultural Societies ..	684	170,372	2,98,32,235	15,58,944
Total ..	4,991	482,730	10,26,50,816	60,86,097
Unions ..	92	.....	.....	.....
Insurance Societies ..	8	.....	.....	.....
Total ..	5,091	482,730	10,26,50,816	60,86,097

APPENDIX J

Urban Banks above Rs. 5,000

Year				No. of societies	Members	Working capital
						Rs.
1920-21	..	..	..	18	38,072	67,09,060
1921-22	..	..	..	21	48,855	88,32,896
1922-23	..	..	..	31	50,704	1,12,66,032
1923-24	..	..	..	39	58,705	1,19,60,549
1924-25	..	..	..	43	66,370	1,31,26,678
1925-26	..	..	..	47	88,391	1,54,95,128
1926-27	..	..	..	55	89,260	1,79,58,636

(Appendices K, L and M)

APPENDIX K

Progress of Co-operative movement in Sind.

Year				No. of societies	Members	Working capital
						Rs.
1920-21	..	..	..	277	11,000	14,50,000
1921-22	..	..	..	431	15,335	23,00,000
1922-23	..	..	..	481	18,772	38,25,000
1923-24	..	..	..	568	23,483	51,00,000
1924-25	..	..	..	666	29,351	72,50,000
1925-26	..	..	..	799	35,097	1,04,00,000
1926-27	..	..	..	863	39,247	1,37,41,500

APPENDIX L

General progress of the Co-operative movement in the Bombay Presidency (including Sind).

Year				No. of societies	Members	Working capital
						Rs.
1921	..	..	..	2,956	271,958	3,34,55,202
1922	..	..	..	3,411	327,831	4,35,30,450
1923	..	..	..	3,533	535,834	5,33,16,066
1924	..	..	..	3,743	567,294	6,17,33,582
1925	..	..	..	4,126	392,163	7,11,66,611
1926	..	..	..	4,656	447,808	8,78,67,849
1927	..	..	..	5,091	482,730	10,26,50,816
1928	..	..	..	5,330	.....	....

APPENDIX M

Statement showing the receipts and expenditure in the Registration Department during the period 1904-05 to 1926-27.

Year					Receipts	Expenditure
					Rs.	Rs.
1904-05	..	..	..	..	5,96,402	2,84,682
1905-06	..	..	..	..	6,73,734	3,09,085
1906-07	..	..	..	..	6,54,907	3,11,629
1907-08	..	..	..	..	6,94,859	3,26,380
1908-09	..	..	..	..	7,03,210	3,52,076
1909-10	..	..	..	..	7,15,469	3,62,301
1910-11	..	..	..	..	7,55,074	3,77,721
1911-12	..	..	..	..	7,43,182	3,80,184
1912-13	..	..	..	..	7,82,479	3,72,027
1913-14	..	..	..	..	8,27,555	3,69,660
1914-15	..	..	..	..	7,53,619	3,70,772
1915-16	..	..	..	..	7,95,528	3,71,933
1916-17	..	..	..	..	8,37,457	3,71,704
1917-18	..	..	..	..	9,25,151	3,87,364
1918-19	..	..	..	..	11,42,324	4,84,838
1919-20	..	..	..	..	13,38,405	5,34,680
1920-21	..	..	..	..	14,56,984	6,07,979
1921-22	..	..	..	..	13,27,203	6,67,241
1922-23	..	..	..	..	13,02,456	7,40,634
1923-24	..	..	..	..	12,86,997	6,62,571
1924-25	..	..	..	..	12,49,202	6,75,029
1925-26	..	..	..	..	12,78,266	6,63,143
1926-27	..	..	..	..	12,03,000	6,67,000

(Appendices N and O)

APPENDIX N

Statement showing the receipts and expenditure in the Public Health Department during the period 1915-16 to 1926-27.

Year			Receipts	Expenditure	Remarks
			Rs.	Rs.	
1915-16	..	..	12,927	5,73,767	
1916-17	..	..	20,075	4,61,198	
1917-18	..	..	13,000*	8,37,000*	*Revised estimate.
1918-19	..	..	12,411	8,16,326	
1919-20	..	..	9,795	11,05,973	
1920-21	..	..	14,050	18,24,235	
1921-22	..	..	16,426	29,14,363	
1922-23	..	..	4,75,891†	17,57,514	†The large increase in receipts from 1922-23 onwards is mainly due to the credit of receipts for the sale of water.
1923-24	..	..	8,34,632	19,43,247	
1924-25	..	..	5,65,879	22,26,587	
1925-26	..	..	6,14,942	24,56,616	
1926-27	..	..	6,35,045	19,96,818	

APPENDIX O

Statement showing the receipts and expenditure in the Medical Department during the period 1916-17 to 1925-26.

Year			Receipts	Expenditure	Remarks
			Rs.	Rs.	
1916-17	..	..	4,30,000	19,10,000	
1917-18	..	..	4,60,000	20,20,000	
1918-19	..	..	4,80,000	25,10,000	
1919-20	..	..	4,90,000	34,10,000	
1920-21	..	..	6,80,000	38,50,000	
1921-22	..	..	5,70,000	46,00,000	
1922-23	..	..	6,50,000	40,00,000	
1923-24	..	..	6,50,000	43,00,000	
1924-25	..	..	6,30,000	44,00,000	
1925-26	..	..	6,50,000	47,00,000	

CHAPTER VIII.—THE LEGISLATURE

Strength and Composition of the Bombay Legislative Council

387. The Bombay Legislative Council consists at present of 114 members, of whom 86 are elected, 4 are *ex-officio* members and the remainder are nominated by the Governor. The original proposals of the Government of Bombay for the composition of the Council are given in the note prepared by the Government of Bombay for the consideration of the Franchise Committee appended to the Report of that Committee. These, however, were not entirely accepted by the Southborough (Franchise) Committee, and the present constitution is as mentioned above. Section 72-A (2) of the Government of India Act read with the first schedule provides that the number of members of the Bombay Legislative Council shall be 111, of whom not more than 20 per cent. (*i.e.*, 22) may be official members and at least 70 per cent. (or 78) elected members. This proportion has not been maintained in actual practice, the number of elected members being 8 more than the minimum. It may also be observed that although under Rule 3 of the Bombay Electoral Rules, 16 officials may be nominated to the Legislative Council by the Governor, the full number has seldom been nominated. Of the 86 seats filled by election, 17 are Urban and 58 are Rural; 46 are non-Muhammadan, 27 are Muhammadan and 2 are allotted to Europeans. Of the remaining 11 seats, 3 are allotted to landholders, 1 to the University and 7 to Commerce and Industry constituencies. Among the seats filled by nomination, 1 is assigned to the Anglo-Indian community, 1 to the Christian community, 3 to the Labouring classes, 2 to classes which, in the opinion of the Governor, are Depressed Classes, and 1 to the Cotton trade. Reports received from the District officers suggest that the Labouring Classes and the Depressed Classes are not sufficiently represented at present in the electorates. The chief difficulty in providing representation by election for these classes lies in the formation of suitable electorates for them, especially for the Depressed Classes who are not a homogeneous group and are distributed in small numbers over the whole Presidency.

Constitution and Powers of the Legislative Council

388. In the Council, as constituted at present, there are 11 non-Muhammadan Urban seats, 35 non-Muhammadan Rural seats, 5 Muhammadan Urban seats, 22 Muhammadan Rural seats, while 2 seats are allotted to Europeans, 3 to landholders, 1 to the University and 7 to Commerce and Industry constituencies. Of the non-Muhammadan seats, 7 are reserved for the Mahrattas. In fixing the proportion of Muhammadan and non-Muhammadan seats, the Franchise Committee generally followed the agreement

(Constitution and Powers of the Legislative Council)

reached by the political representatives of the Muhammadans and Hindus at the joint session of the Indian National Congress and the All-India Muslim League held at Lucknow in December 1916, referred to in paragraph 163 of the Montagu-Chelmsford Report, under which certain proportions were fixed for the amount of Muhammadan representation in the Provincial and Imperial Legislative Councils. The Franchise Committee have explained in paragraph 21 of the Report why they recognised the claims of the landholding class to special representation in view of the considerations put forward in paragraphs 147 and 148 of the Montagu-Chelmsford Report regarding the position of the landed aristocracy and the smaller landed gentry. No representation has since been received for the abolition of the special representation of this class or for merging it in the common electorate.

The Council is presided over by a President who is a member of the Council elected by the Council and approved by the Governor. There is also a Deputy President, who presides at meetings of the Council in the absence of the President and who is a member of the Council elected by the Council and approved by the Governor. The President and the Deputy President cease to hold office on ceasing to be members of the Council. They receive such salaries as are determined by an Act of the Bombay Legislative Council. Under the Acts passed by the Bombay Legislative Council, the President receives a salary of Rs. 3,000 per mensem and is not at liberty to hold any other office or to do any other business. The Deputy President of the Legislative Council receives a salary calculated at the rate of Rs. 500 per mensem in respect of any period during which he is engaged on work connected with the business of the Council. These provisions have worked well in practice. Under Rule 5 of the Bombay Legislative Council Rules, the Secretary to the Bombay Legislative Council is appointed by the Governor and holds office during his pleasure. He has up till now been recruited from the Indian Civil Service. No Council Secretaries have yet been appointed in this Presidency from among the non-official members of the local Legislative Council, as contemplated in section 52 of the Government of India Act.

389. The Legislative Council has, under the existing constitution, wide powers of legislation, subject to prescribed limitations. Under section 80-A (1) of the Government of India Act, the local Legislature has power, subject to the provisions of the Act, to make laws for the peace and good government of the territory for the time being constituting the province. Under sub-section (2) of that section, it has also the power, subject to prescribed limitations, to repeal or alter as to this Presidency any law made either before or after the commencement of the Government of India Act by any authority in British India other than the local Legislature. It has thus, in some respects, concurrent powers of legislation with the Indian Legislature. The chief limitations imposed upon its powers of legislation are those contained in sections

POWERS OF THE
LEGISLATIVE COUNCIL.

(Powers of the Legislative Council)

80-A (3), 80-C, 81, 82 and the Rules made under the Act. Under section 80-A (3) the local Legislature may not, without the previous sanction of the Governor General, make or take into consideration any law of the nature referred to in that sub-section. These limitations, in particular the provisions of section 80-A (3), have caused some inconvenience in practice as has been explained in Chapter VII. Under the Reservation of Bills Rules, the Governor has to reserve for the consideration of the Governor General any Bill passed by the local Legislative Council and submitted to the Governor for his assent, if the Bill relates *inter alia* to the religion or religious rites of any class, or the constitution or functions of the University or the classification of reserved and transferred subjects, or the construction or management of Light or Feeder Railways or the land revenue system, and contains provisions in respect of which the necessary previous sanction of the Governor General has not been obtained. The proviso to section 80-A (3), however, provides that an Act or a provision of an Act made by a local Legislature and subsequently assented to by the Governor General in pursuance of the Act shall not be deemed invalid by reason only of its requiring the previous sanction of the Governor General under the Act. The local Legislature has not power to make any law affecting any Act of Parliament or the Public Services. Under section 72-D (5) where any Bill has been introduced or is proposed to be introduced or any amendment to a Bill is moved or proposed to be moved, the Governor may certify that the Bill or any clause of it or the amendment affects the safety or tranquillity of his province or any part of it, or of another province, and may direct that no proceedings or no further proceedings shall be taken by the Council in relation to the Bill, clause or amendment, and effect shall be given to any such direction. Under section 81-A where a Bill has been passed by the local Legislative Council, the Governor may, instead of declaring that he assents to or withholds his assent from the Bill, return the Bill to the Council for reconsideration, either in whole or in part, together with any amendments which he may recommend, or, in cases prescribed by Rules under the Act, may, and if the Rules so require, shall, reserve the Bill for the consideration of the Governor General, and the section prescribes the further procedure to be followed where a Bill is reserved for the consideration of the Governor General. Under section 81 when a Bill has been passed by a local Legislative Council, it must be submitted to the Governor and the Governor General for their assent; and it comes into operation only after their assent has been received and the assent of the Governor General has been published in the *Bombay Government Gazette*. Under section 82, when an Act has been assented to by the Governor General, he shall send to the Secretary of State an authentic copy thereof, and it shall be lawful for His Majesty in Council to signify his disallowance of the Act. Where the disallowance of an Act has been so signified, the Governor shall forthwith notify the disallowance and thereupon the Act, as from the date of the notification, shall become void accordingly. Rules 20-B and 20-C of the Bombay Legislative Council Rules prescribe the limitations in regard

(Powers of the Legislative Council)

to dilatory motions (that is, motions that a Bill be referred to a select committee or that it be circulated for the purpose of eliciting opinion thereon or any other motions the effect of which is to delay the passage of a Bill). A Bill must be read three times, and where any reading is not carried, the Bill is deemed to have been rejected, and it cannot be re-introduced within a period of six months from the date of such rejection. Section 80-C of the Government of India Act provides that it shall not be lawful for any member of any Legislative Council to introduce without the previous sanction of the Governor, any measure affecting the public revenues of a province or imposing a charge on those revenues. The provisions of this section have been interpreted to apply to prospective as well as present revenues, to amendments as well as to Bills and to motions to appropriate the public revenues to a specified purpose, though it has been held that any motion reducing any tax proposed to be imposed by the local Government does not come within the purview of the section. It is not clear whether this interpretation was intended. It may be noted that whereas the proviso to section 80-A (3) provides that an Act or a provision of an Act made by a local Legislature and subsequently assented to by the Governor General in pursuance of the Act, shall not be deemed to be invalid by reason only of its requiring the previous sanction of the Governor General, there is no corresponding provision with respect to measures requiring the previous sanction of the Governor under section 80-C.

Under section 72-D of the Act, the estimated annual expenditure and revenue of the province is laid in the form of a statement before the Council in each year, and the proposals of the local Government for the appropriation of provincial revenues and other moneys in any year are submitted to the vote of the Council in the form of demands for grants. The Council may, subject to the exceptions specified in the section, assent or refuse its assent to a demand, or may reduce the amount therein referred to by a reduction of the whole grant or by the omission or reduction of any of the items of expenditure of which the grant is composed.

STANDING ORDERS. The Governor has power to restore a grant refused by the Council under certain exceptional circumstances. Under section 72-D (7), the Legislative Council has power to make Standing Orders providing for the conduct of business and the procedure to be followed in the Council, in so far as these matters are not provided for by rules made under the Act. Any such Standing Order, which is repugnant to the provisions of any rules made under the Act, is, to the extent of that repugnancy, void. Subject to the Rules and Standing Orders, there is freedom of speech in the Legislative Council. No person is liable to any proceedings in any court by reason of his speech or vote in the Council, or by reason of anything contained in any official report of the proceedings of the Council. Under the Bombay Legislative Council Rules and the Standing Orders, Members of the Legislative Council enjoy the privileges of asking questions and of moving resolutions. Rule 8

(Franchise for the Legislative Council)

provides that a question may be asked for the purpose of obtaining information on a matter of public concern within the special cognisance of the member to whom it is addressed, except that no question shall be asked in regard to matters affecting any foreign State, or any Indian State or matters which are *sub judice*. Under Rule 10 any member (and not merely the member who put the original question) may put a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given. Under Rule 11, members of the Council enjoy the privilege of moving motions for an adjournment of the business of the Council for the purpose of discussing matters of urgent public importance with the consent of the President. These privileges have been freely used. Under Rule 23, no resolution can be moved in regard to matters affecting foreign States or Indian States or matters which are *sub judice*, and under Rule 22 the Governor has power, within the period of notice, to disallow any resolution or any part of a resolution, on the ground that it cannot be moved without detriment to the public interest or on the ground that it relates to a matter which is not primarily the concern of the local Government, and if he does so, the resolution or part of the resolution cannot be placed on the list of business. The Governor has similar powers in regard to motions for adjournment of the business of the Council. Under Rule 24, every resolution passed by the Legislative Council has effect only as a recommendation to the Government and is therefore not binding.

The rules of the Legislative Council are made by the Governor General in Council, with the sanction of the Secretary of State in Council, and are not subject to repeal or alteration by the Indian Legislature or by the local Legislature.

Franchise for the Legislative Council

390. The qualifications of electors for general constituencies are based on (i) community, (ii) residence and (iii) occupation

QUALIFICATIONS:	on (i) community, (ii) residence and (iii) occupation
URBAN	of a building, or assessment to income-tax or
CONSTITUENCIES.	military service or holding of land (<i>vide</i> rule 8 and Schedule II of the Bombay Electoral Rules). In the case of general (urban) constituencies (non-Muhammadian and Muhammadan) the qualifications are (i) place of residence within the constituency or within the prescribed limits thereof on the 1st day of April next preceding the date of publication of the electoral roll, and (ii) occupation, as owner or tenant in the constituency, on the said date, of a house or building of the annual rental value of Rs. 120 or more in Bombay City, and Rs. 60 or more in Karachi City, and in any other urban constituency, of the annual rental value of Rs. 36 or more or of the capital value of Rs. 1,500 or more; or (iii) assessment to income-tax; or (iv) being a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular forces; or (v) holding, on the 1st January next preceding the date of publication of the roll, of qualification in respect of land within the constituency which, if held within the nearest rural constituency, would qualify as an elector for such constituency.

(Franchise for the Legislative Council)

391. In the case of rural constituencies the qualifications are

**RURAL
CONSTITUENCIES.**

(i) place of residence within the constituency or within a contiguous constituency of the same communal description on the 1st day of January next preceding the date of publication of the electoral roll and (ii) in Sind, holding, on the date above mentioned, in one's own right, or occupation as a permanent tenant or as a lessee from Government, of alienated or unalienated land in the constituency assessed or assessable to Rs. 16 or more land revenue in the Upper Sind Frontier District and Rs. 32 or more land revenue elsewhere. In the case of constituencies other than those in Sind, holding, on the date above mentioned in one's own right, or occupation as a tenant in the constituency, of alienated or unalienated land assessed at or of the assessable value of Rs. 16 or more land revenue in the Panch Mahals and Ratnagiri Districts and Rs. 32 or more land revenue elsewhere ; or (iii) on the date aforesaid, being the alienee of the right of Government to the payment of rent or land revenue amounting to Rs. 16 or more in the Panch Mahals, Ratnagiri and Upper Sind Frontier districts and Rs. 32 or more elsewhere, leviable in respect of land so alienated and situate within the constituency, or being a khot or a sharer in a khoti village in the constituency, or a sharer in a Bhagdari or Narvadari village in the constituency, responsible for the payment of Rs. 16 or more land revenue in the Panch Mahals, Ratnagiri and Upper Sind Frontier districts and Rs. 32 or more land revenue elsewhere ; or (iv) assessment to income-tax ; or (v) being a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular forces ; or (vi) in any municipal district, cantonment or notified area in the constituency, occupation as owner or tenant, on the 1st April next preceding the date of publication of the electoral roll, of a house or building of the annual rental value of Rs. 36 or more in a constituency in Sind and, in the case of other constituencies, of the annual rental value of Rs. 24 or more or of the capital value of Rs. 1,000 or more in the Panch Mahals and Ratnagiri districts and of the annual rental value of Rs. 36 or more or of the capital value of Rs. 1,500 or more elsewhere.

No person who is not a Muhammadan is qualified as an elector for a Muhammadan constituency and no Muhammadan is qualified as an elector for a non-Muhammadan constituency. Nor is a European qualified as an elector in a non-Muhammadan or Muhammadan constituency.

In the case of the European constituencies the qualifications are (i) being a European and (ii) place of residence within the Presidency and (iii) qualifications prescribed for a Bombay City constituency, or as the case may be, qualifications prescribed for an urban constituency other than Bombay City or for a rural constituency.

“ General constituency ” means a non-Muhammadan, Muhammadan or European constituency.

. (*Franchise for the Legislative Council*)SPECIAL
CONSTITUENCIES.

392. In the case of special constituencies the qualifications are :—

(1) Landholders' constituencies,—

(a) in the case of the Deccan Sardars and Inamdars constituency
(i) entry of name in the list maintained under Government Resolution No. 2363, Political Department, dated 23rd July 1867, or (ii) being, on the 1st day of January next preceding the date of publication of the electoral roll, the sole alienee of the right of Government to the payment of rent or land revenue in respect of an entire village situate within the constituency ;

(b) in the case of the Gujarat Sardars and Inamdars constituency,—

(i) entry of name in the list maintained under Government Resolution No. 6265, Political Department, dated 21st September 1909, or

(ii) being, on the 1st day of January next preceding the date of publication of the electoral roll, the sole alienee of the right of Government to the payment of rent or land revenue in respect of an entire village situate within the constituency, or the sole holder on talukdari tenure of such a village ;

(c) in the case of the Sind Jagirdars and Zamindars constituency,—

(i) being a Jagirdar of the first or second class in Sind, or (ii) payment of Rs. 1,000 or more land revenue on land situate in any district in Sind.

(2) University Constituency,—

(i) place of residence in the Bombay Presidency (excluding Aden) on the date mentioned ; and

(ii) being a member of the Senate or an Honorary Fellow of the University or a graduate of the University of seven years' standing.

(3) Commerce and Industry Constituencies,—

(i) entry in the list of members of the association forming the constituency or (ii) authority to exercise the rights and privileges of membership on behalf of and in the name of any firm or company or corporation entered in such list of members.

"Special constituency" means a Landholders', University or Commerce and Industry Constituency.

Electorates

393. The number of electors in the Bombay Presidency, according to the rough estimates prepared for the Southborough (Franchise) Committee was 653,000, of whom 149,000 were urban electors and 504,000 rural. The number of voters enfranchised when the electoral roll was first prepared was 548,413 of whom 101,593 were urban electors and 440,504 rural. The total number of

ORIGINAL ESTIMATES
OF VOTERS; VOTERS
ON THE ROLL FIRST
PREPARED; GROWTH
OF THE ELECTORATE.

(Electors)

electors in 1923 was 630,478 of whom 170,117 were urban and 453,248 rural. The total number of electors in 1926 was 778,321 of whom 240,848 were urban and 528,672 rural. The female franchise was first granted in 1921, and the number of female electors in 1923 was 28,644 ; in 1926 it was 39,133.

The total non-Muhammadan population of the Bombay Presidency (excluding Aden) according to the census of 1921 was 15,485,002. The total number of non-Muhammadan electors in each of the years 1920, 1923 and 1926 was 442,680, 503,729 and 622,678 respectively.

The total Muhammadan population of the presidency (excluding Aden) according to the census of 1921 was 3,775,098. The total number of Muhammadan electors in each of the years 1920, 1923 and 1926 was 96,391, 112,140 and 136,417 respectively. There was thus a noticeable increase in the number of electors at each of the general elections which followed the first preparation of the electoral rolls after the Reforms. The increase was not due to any alterations in the qualifications required under the Electoral Rules. It was, in some measure, due to the grant of the franchise to women and to the rise in wages bringing in fresh electors above the qualification limits and to the increasing interest taken by voters and by prospective candidates, in the preparation of the electoral rolls. The principal cause of the increase was, however, greater accuracy in the registration of names of electors.

The small number of women voters is largely due to the fact that ordinarily women do not possess the necessary property qualifications in their own right. It is partly also due to the fact that owing to the prevalent customs and the pardah system among Muhammadans there is considerable reluctance on the part of both men and women to have the names of the latter enrolled.

394. The present electorate consists of about 778,321 electors—Non-Muhammadans, Muhammadans, Europeans, Land-holders, Merchants and University Fellows and Graduates of whom 39,133 are women. The total population of the Bombay Presidency (excluding Aden and Indian States), according to the census of 1921, is 19,348,219 of whom 9,153,144 are women. The total male population is 10,138,575. The male population over 20 years of age is 5,522,258. The total number of male voters is 739,188. The percentage of male voters to male population over 20* is 13·4. The female population of the presidency over 20 is 4,944,892. The proportion of female electors to female population over 20 is ·79. The number of female electors in 1923 was 28,644 and in 1926, 39,133. The number who went to the polls was 4,361 in 1923 and 7,562 in 1926. The population of Sind is 3,279,377 according to the census of 1921. The female population over 20 is 785,311. The number of female voters in Sind in the general elections of 1926 was 2,294. The proportion of female electors to female population over 20 in Sind is ·29.

* As the census does not give figures of population over 21, figures of population over 20 have been taken.

(Electorates)

STATISTICS FOR THE ELECTIONS OF 1920, 1923 AND 1926.

395. The following tables show the growth of the electorate and the interest taken by the voters in the last three elections :—

	1920	1923	1926
Urban	101,593	170,117	240,848
Rural	440,504	453,248	528,672
Non-Muhammadan	442,680	503,729	622,678
Muhammadan	96,391	112,140	136,117
Males	548,413	601,834	739,188
Females .. .. .	....	28,644	39,133

	1920	1923	1926
Total number of electors on the electoral roll	548,413	630,478	778,321
Total number of voters who went to the poll	88,824	242,000	303,799
Percentage of voters who went to the poll to the total number of electors	16·2	38·4	39·0

396. A comparison between the electoral qualifications for local boards and municipalities with those for the Legislative Council will be useful as showing how far the electors for the Council are drawn from classes who have already had some experience of elections for the smaller local self-governing bodies and how far the Council franchise could be lowered without enrolling people who have had no experience of any kind of franchise. For this purpose the local bodies may be divided into four classes, namely, (1) the Bombay Municipality, (2) the larger municipalities governed by the Bombay City Municipalities Act, 1925, (3) the smaller units governed by the Bombay District Municipal Act, 1901, and (4) local boards (district local boards and taluka local boards). The qualification required of an elector in the Bombay Municipality is occupation of a house of the monthly rental of Rs. 10 or more. The Legislative Council franchise for Bombay City is the same, except that income-tax assesses are also enrolled. The Bombay City electorate for the Legislative Council is, on this account, slightly larger than that for the Bombay Municipality. The franchise for the larger municipalities is enrolment in the current electoral roll prepared for a municipal borough which forms part of a general constituency of the Bombay Legislative Council, or

(Electorates)

occupation of a house or building of the annual rental of Rs. 12 or more or of the capital value of Rs. 200 or more, or payment of the qualifying tax (that is, a tax other than octroi, toll and the tax on animals and vehicles plying for hire) the amount of which varies from one rupee to four rupees per annum. In district municipalities, the franchise is enrolment in the electoral roll of the Legislative Council or payment of the qualifying tax or occupation of a house or building of the annual rental value of Rs. 24 or more or of the capital value of Rs. 200 or more or holding of land assessed or assessable to Rs. 16 or more land revenue. Certain specified classes of persons, *e.g.*, honorary magistrates, jurors, Fellows of the University, etc., are also qualified. The franchise for local boards is holding of land in Sind assessed to or of the assessable value of Rs. 8 or more land revenue in the case of taluka local boards and in the case of district local boards Rs. 16 or more land revenue in the Upper Sind Frontier District and Rs. 32 or more land revenue elsewhere, and in any place in the Bombay Presidency other than Sind holding of land assessed or assessable to Rs. 8 or more land revenue in the case of taluka local boards and in the case of district local boards Rs. 16 or more land revenue in the case of the Panch Mahals or Ratnagiri District and Rs. 32 or more land revenue elsewhere; persons paying any tax imposed by a local board (other than a toll or octroi) are also qualified as electors.

The number of persons enrolled on the electoral roll of the Bombay Legislative Council on the present franchise is according to the rolls prepared in 1926, 778,321, as stated above. The total number of electors in all municipalities and district local boards is 874,259. The number of electors for taluka local boards, for which the franchise is much lower, is 1,091,464.

397. It is difficult to give an idea of the extent to which the various interests find place in the present electorate. The

EXTENT OF VARIOUS INTERESTS IN THE ELECTORATES. The labouring and the depressed classes have no separate electorates of their own and are at present represented by persons nominated by the Governor under rule 3 of the Bombay Electoral Rules. The expressions "labouring classes" and "depressed classes" are not defined and it is, therefore, difficult to collect any reliable statistics which would indicate their real voting strength in the present electorate. As far as can be estimated on the basis of the information available it does not appear that these classes are represented to any appreciable extent in the present electorate in Bombay City. The urban labouring classes are well represented on the electoral rolls of Ahmedabad and to some extent in Karachi and Sholapur where their numbers are large and where the electoral qualification is much lower than in Bombay. Owing to their poverty they do not possess the necessary property qualification while owing to lack of education and organisation they take little interest in the franchise and those of them who possess the necessary qualification do not take the trouble to get enrolled. Similarly petty traders, carpenters, contractors, and others carrying on professions other than agriculture, but equal in status to a qualified landholder, are not

(Electoralates)

entitled to vote and are, therefore, not adequately represented. Landholders are well represented in the electorate. In the rural electoralates there are about 270,000 landholders as against about 77,500 tenants. Large holders of land have separate electoralates of their own. The house-qualification required of voters resident in urban areas is very much lower than that required to give the vote to persons living in rural areas. Owing to the rise in rents a very large number of persons live in houses rented at Rs. 3 in the larger urban areas whereas the number of persons who pay Rs. 32 assessment in rural areas is not very large. The electoral strength of the various classes and communities varies from district to district; in some areas, particularly urban, tenants are better represented than landholders while in others the tenants go unrepresented as only a small fraction of them cultivate land assessable at Rs. 32 and above. For instance, in the Eastern Sind Non-Muhammadan constituency urban interests very largely preponderate as the great majority of voters come from municipal areas where the franchise is based on the rental value of residential buildings; while in the Hyderabad District Muhammadan constituency it is rather the rural interests which predominate as the majority of Mussalman voters come from the rural areas where the franchise is based on the possession of land as owner or permanent tenant. In the latter constituency the majority of voters are landlords. Similarly, in the Upper Sind Frontier District Muhammadan rural constituency there is great divergence in the electoral strength of Hindus and Muhammadans. Nine-tenths of the population are Muhammadans. The electorate is almost entirely confined to the tax-payer, who is the landlord, while tenants and the labouring classes who form the bulk of the population have practically no vote. The depressed classes are generally unrepresented. In the Deccan districts the Marathas or Non-Brahmins preponderate.

There have been frequent demands for additional representation but these have been rather on the ground of inadequate representation of a large and growing district (*e.g.*, Dharwar, Thana, Bombay Suburban, Kanara, and West Khandesh districts) or of reservation of a seat or additional representation for Marathas where the Marathas form a substantial portion of the population, or of additional representation for the depressed classes, or of an individual caste or class, than on the ground of any inequality created by the existing rules. On the whole, except the depressed and the labouring classes, all classes are fairly represented on the present franchise. Cases where the demand for representation was based on the framing of the existing constituencies have been discussed in detail under the heading "Formation of constituencies and distribution of seats." Some of the more important demands for representation based on other grounds are briefly summarised below :—

- (i) Memorial from the Indian Christian community, asking for special representation on the ground that they have no prospect of returning a representative of their community in a common electorate and also in view of their status, importance and services ;

(Electoralates)

(ii) Memorials and resolutions asking for additional representation for the Dharwar, West Khandesh, Kanara, Broach and Bombay Suburban districts on account of their population, voting strength and growing importance ;

(iii) Memorials and resolutions praying for special or additional representation for the depressed classes, the non-Brahmins, the Jamrao Sikhs, the Punjabi zamindars, the Brahina Bhatt Samaj, the Sardars of the Southern Division, the Sardars of the Deccan, and the smaller talukdars of Cutch, Kathiawar and Gujarat on the ground that they deserve to be separately represented and are not adequately represented at present ;

(iv) Resolution passed by the All-India Trade Union Congress adopting a scheme of labour representation and asking for separate representation of labour by election on the grounds, among others,

(a) that labour has special problems and interests of its own and should, therefore, have separate representation in the legislatures ;

(b) that the representation so far given by nomination is not in proportion to the numerical strength of the labouring classes nor to the importance of the interest represented ;

(c) that labour, as at present represented, is at a disadvantage as compared with other interests ;

(d) that if all adult labourers cannot be formed into an electorate at present, the organized labour associations should be given a right to elect a representative.

Similar representations were received from various labour organizations. It may also be noted in this connection that after the above resolutions were received by the local Government the Reforms Enquiry (Muddiman) Committee recommended additional representation of labour by nomination and the recommendation has been given effect to by an amendment of rule 3 of the Bombay Electoral Rules.

398. Though there exist divergencies in the electoral strength of the various communities, classes or interests and demands have been made for separate, special or additional representation, the average voter has not taken much interest in the franchise or in the use of the vote. This interest has, however, been steadily increasing as the importance of the franchise has become known and the value of the vote better understood by the electors and as the voters have become more accustomed to the use of it. The year 1920 cannot be taken as in any way indicating the interest normally taken by the voters as in that year non-co-operation was in full swing and under the influence of the leaders of that movement the people abstained from taking part in the elections. The idea of a franchise was also new to the illiterate masses of the electoralates. In the years 1923 and 1926 more interest was taken by the people. At the 1926 elections as many as 3,000 applications were received in

INTEREST TAKEN BY
ELECTORS IN THE
FRANCHISE.

(Electorates)

Hyderabad for enrolment on the electoral roll of the Eastern Sind Non-Muhammadan constituency of the Bombay Legislative Council and about 1,000 applications were received for the Hyderabad District Muhammadan constituency. The Collector of Karachi reports that in the year 1926 "the interest was universal in the City of Karachi." Reports from other Collectors also show that greater interest was taken by the people as the value of the vote was better understood. Although there were no organised political parties to help the authorities in preparing the electoral roll, prospective candidates and their agents took active interest in the matter and a good many names were added to the electoral roll in consequence. The interest taken by the voters themselves in getting enrolled was not very great. The number of applications for enrolment received in 1920 was 3,786 when the estimated number of voters was over 500,000. The number of objections filed was only one. The number of applications received in 1926 was 2,385. The number of objections to entries in the electoral roll received in the year 1926 was 231 only when the total number of voters on the electoral roll was nearly 780,000 and when the interest taken in the preparation of the electoral roll was reported to be highest. The increase in the names on the electoral roll was largely due to the active steps taken by Government officials who are charged under the Electoral Regulations with the duty of preparing and revising the electoral rolls. Under Part II of the Bombay Electoral Regulations it is the duty of the Collector to prepare an electoral roll for each constituency or part of a constituency

MACHINERY EMPLOYED IN PREPARING THE ELECTORAL ROLL. included within his jurisdiction. The work of preparing or revising parts of the roll is entrusted to the Mamlatdars, Mahalkaris and other revenue officials of the district and the roll as a whole is finally checked in the Collector's office at the head-quarters of the district. The help of local bodies like municipalities and local boards is taken wherever necessary or possible and all expenses in connection with the preparation, revision and publication of the rolls are borne by Government. Notice that the roll is being revised is widely given by advertisement in local newspapers and in villages by beat of drums and notices affixed to important places in the village. Leaflets containing rules on the subject and explaining the procedure to be followed in the matter of enrolment are freely distributed in all towns and villages both in the vernaculars as well as in English and notices are also issued to presidents of municipalities, and local boards, heads of Government offices, managers of companies, associations, firms, clubs or corporations, communal panchayats and industrial organisations calling upon them to send in names of persons employed by or serving under them who are qualified for enrolment on the electoral roll. Names of persons qualified as electors as being holders of land are available from the revenue records which are maintained up to date. Names of income-tax assesseees are obtained from the Income-Tax Department, those of deceased persons are obtained from the municipalities which maintain registers of deaths, and those of military officers and soldiers from the Accountant General who maintains

(Electoralates)

an up-to-date list of them. In addition to the two publications of the electoral roll prescribed by the Electoral Regulations a preliminary publication of the roll is made calling upon persons to apply for enrolment and the Collector is authorised to admit all applications for enrolment after a summary enquiry. In the City of Bombay the electoral roll is prepared by the Municipal Corporation of Bombay, the cost being borne by Government. It is proposed to prepare the Municipal election roll, which serves as a basis for the Bombay Legislative Council Electoral Roll, by a house to house inspection this year, and Government have agreed to bear a portion of the cost. The widest possible publicity is given in this connection at every stage. As a result of these efforts there has been a substantial increase in the names in the electoral rolls at the time of each general election, but as little help is forthcoming from voters, candidates and party organisations, defects and inaccuracies still remain and the rolls cannot be said to have reached a high standard of accuracy.

Efforts to keep opponents off the rolls have not been noticeable nor have particular communities or interests shown any enthusiasm to have the roll enlarged by the addition of their own adherents.

The value of the vote is better understood in urban areas where the electors are generally literate and accustomed to vote. The Returning officers in Sind report that the voters in the Non-Muhammadan Rural constituencies in Sind understand the use of the vote better and take keener interest in it than voters in the Muhammadan Rural constituencies. The voters are generally guided more by the candidate's personality than by his fitness for the work he is to be called upon to do or by his qualifications. In rural areas the majority of voters is illiterate. They concern themselves more about local matters and have very little idea of the value of their vote and have little appreciation of political issues or of the candidate's qualifications. They are generally guided by the social status of the candidate or his agents, though at times political parties, *e.g.*, the Swarajists, have exercised considerable influence over the voters. Communal bias has also considerable influence in deciding the voters. The fact that the candidate or his agent or relative or friend is a landlord or a pleader, or a moneylender (or, in Sind, a Pir or Sayed) has also considerable influence over the electorate. It is doubtful whether among rural voters more than a fraction of the people realize that there is any political significance in their vote, or, regard it otherwise than as a favour to be given to some person whom they happen to wish to conciliate. Of the number of voters enrolled only a small percentage cares to go to the polling station to vote and even this they do, in most cases, at the request of the candidates and in conveyances provided by them. The steady increase in the percentage of voters attending the polls should be ascribed more to the activities of candidates than to any spontaneous awakening of the political sense of the electoralates, though there are distinct signs of gradual awakening and growing interest.

(Formation of Constituencies and Distribution of Seats)

399. Communal representation is provided in the presidency for three classes, Europeans, Muhammadans and Marathas. Europeans and Muhammadans have separate communal electorates of their own.

COMMUNAL
ELECTORATES.

Marathas have reserved seats provided for them in certain constituencies, but the electorate is common to all non-Muhammadans. There are two seats provided for the Europeans, one for Bombay City, and one for the presidency of Bombay, excluding Bombay City. The communal seats allotted to the Muhammadans were fixed by the Franchise Committee on the basis of the agreement between the Hindus and the Muhammadans at the joint session of the Indian National Congress and the All-India Moslem League held at Lucknow in December 1916. Under this arrangement, out of the 86 elected seats in the presidency, 27 are allotted to the Muhammadans. The proportion of seats is considerably in excess of that to which the Muhammadans would be entitled on the strength of their population. They form 19·6 per cent. of the total population of the presidency including Sind. The seats allotted to them are 31 per cent. of the total number of elected seats, if all the elected seats are reckoned in the calculation. Eleven of these seats, however, are assigned to special constituencies like the Chambers of Commerce and the University, and if these are excluded and only the total number of seats allotted to general constituencies counted, the proportion of Muhammadan seats is 36 per cent. The Government of Bombay had at first been against the principle of communal representation though for the transition period they favoured separate representation for the Muhammadans. In the note prepared by them, however, for the consideration of the Franchise Committee, they recommended that communal representation might be allowed to Muhammadans on the basis of the Congress League scheme. Communal electorates are also provided for in local bodies in this presidency. It is a question for further detailed investigation whether the time has come for the abolition of communal electorates and the formation of general electorates where the Muhammadans might seek election along with other communities.

Formation of Constituencies and Distribution of Seats

400. There are 54 constituencies for the Bombay Legislative Council, of which 47 are framed on a territorial basis and 7 on a non-territorial basis. Of the former, 28 are Non-Muhammadan constituencies returning Non-Muhammadan members, 14 are Muhammadan constituencies returning Muhammadan members, 2 are European constituencies returning European members and 3 are Land-holders' constituencies representing the landed class. Of the non-territorial constituencies, one is the Bombay University constituency and the remaining six are Commerce and Industry constituencies representing commercial interests. The territorial constituencies differ largely both in size and population, with consequent divergencies in the electoral strength

FORMATION OF CON-
STITUENCIES AND DIS-
TRIBUTION OF SEATS
AND INEQUALITIES OF
REPRESENTATION DUE
TO THEM.

(Formation of Constituencies and Distribution of Seats)

of the various communities and interests. As stated in paragraph 12 of the Southborough (Franchise) Committee's Report in the framing of the constituencies the district was, as a rule, adopted as the territorial area; it is a well recognised administrative unit, with generally homogeneous interests, and affords the most convenient basis for the preparation of the electoral roll and the organisation of electoral machinery, though this principle was departed from in the case of cities with a large population which were made separate constituencies by themselves. In the allocation of seats the Committee followed no single principle and allotted seats proportionately to the importance of the constituency measured by a combination of factors such as population, estimated number of voters and other local conditions. This arrangement has worked satisfactorily in this presidency and no case has been made out for revision or readjustment of the existing scheme except in regard to the points discussed below. The labouring and the depressed classes are not adequately represented at present and the question whether any scheme can be devised by which they can be given adequate representation in the Council by election will have to be considered.

401. Various demands and suggestions have been received for the

**DEMANDS FOR
REPRESENTATION.**

alteration or reconstruction of the constituencies. The more important of these are the representation of the Non-Muhammadans of Sind regarding additional representation for the Sind Non-Muhammadan constituencies and the question of redistribution of seats in the three Muhammadan Divisional constituencies. The Sind Hindus have represented that the Eastern Sind and Western Sind Non-Muhammadan constituencies as framed at present do not adequately represent the Non-Muhammadan population; that the two constituencies which are each entitled to elect one member only have a much larger population than several districts in the Presidency proper which are allowed to return more than one member; that the voting strength of the constituencies is also much larger than that of several other constituencies in the presidency which return more than one member; that the percentage of education in these constituencies is higher than in the Deccan, Konkan, Karnatak or Gujarat; and that the vast area of the constituencies coupled with the difficulties of communication makes canvassing by the candidates very difficult, expensive and troublesome. The Commissioner in Sind, who is the Returning Officer for these constituencies, has observed that the Non-Muhammadan communities in Sind are inadequately represented, as compared with some of the Non-Muhammadan communities in the Presidency proper both on a population basis as well as on the basis of their voting strength. The total Non-Muhammadan population of the Eastern Sind constituency is 442,795 and its area 21,953 square miles. The total Non-Muhammadan population of the Western Sind constituency is 314,112 and its area 25,324 square miles. The number of voters in each of them is 23,789 and 25,240 respectively. The vast area of these constituencies makes canvassing difficult, expensive and troublesome. He adds that the fact that the Eastern Sind constituency,

(Formation of Constituencies and Distribution of Seats)

notwithstanding its large population, has fewer voters is due to the constituency including a large number of agriculturists settled in the Desert Division of the Thar Parkar District, and representations have been received from these that the basis of their assessment should be reduced to the level prescribed for the Mussalman agriculturists of the Upper Sind Frontier District. He suggests that the possibility of equalising the position somewhat by including Karachi District in the Karachi City constituency might be considered. He has also observed that the Nawabshah District in spite of its larger population and higher number of voters than the Karachi and Thar Parkar Districts has only one seat, while the two latter districts have each two seats. Suggestions have also been received for reconstitution of the constituencies in the Northern and the Southern Division Muhammadan Rural constituencies of the Bombay Legislative Council. In an address presented to His Excellency the Governor of Bombay in 1925, the Muhammadan community of Surat represented as follows:—

“We also bring to Your Excellency’s notice the most important point of injustice done to the Muhammadans of Northern Division in Gujarat in the matter of election of the local legislature. The Muhammadan candidates have to face considerable difficulties in the present form of election. One seat is allotted to the Cities of Ahmedabad and Surat and the remaining three seats are contested by all the six districts, viz., Thana, Surat, Broach, Kaira, Panch Mahals and Ahmedabad. The total number of voters in round figures according to the last election list was as follows:—Thana, 3,500; Surat District, 3,500; Broach, 7,000; Ahmedabad, 8,000; Panch Mahals, 3,500; Ahmedabad City proper, 6,000; and Surat City, 1,800. The Muhammadan candidates are put to great trouble and expense in contesting the seats in the present form and so we request your Excellency in Council to give full and sympathetic consideration and be gracious enough to redistribute the above four seats as done in the election of Non-Muhammadans. We suggest the following redivision of the Muhammadan constituencies of the Northern Division for the purpose of local Council election:

“One seat may be allotted to Ahmedabad City and District, the number of voters being 14,000; one seat to go to Surat and Thana, the number of voters being 8,800; one seat to Broach City and District, the number of voters being 7,000; one seat to Kaira and Panch Mahals, the number of voters being 6,000. We further hope that the redistribution in the above form or some way better than this will be done before the next coming election in 1926.”

A similar representation was received from the Nawab of Belha and others asking for redistribution of the Muhammadan seats of the Northern Division on the grounds, *inter alia*, (1) that owing to the numerical strength of the voters of Ahmedabad City the grouping together of Surat and Ahmedabad Cities has the effect of leaving a candidate from Surat very little chance of success; (2) the present arrangement makes canvassing by candidates inconvenient, difficult and expensive;

(Formation of Constituencies and Distribution of Seats)

and (3) candidates from Gujarat are not known to the electorate in Thana nor are the voters in Thana and Bombay Suburban Districts known to them; the candidates do not even know the language of the Thana District, and therefore find it very inconvenient to canvass there. Similar representations were received from the Shaikh Ghanchi inhabitants of Godhra in the Panch Mahals District, and from the Muhammadans of the Kaira District. A representation was also received from the Anjuman-i-Islam of Ahmedabad, complaining of the manner in which the four seats on the Legislative Council allotted to the Muhammadans of the Northern Division are distributed, and suggesting that the Muhammadans of Ahmedabad City and Ahmedabad District should be given separate representation. In his report dated 1st December 1927, the Commissioner, Northern Division, has suggested that the Ahmedabad and Surat Cities constituency should be revised, as Ahmedabad having the largest number of Muhammadan voters, Surat and Rander towns have no chance of success. He also suggests redistribution of the Northern Division Muhammadan seats, as Broach town having the largest number of Muhammadan voters has the best chance of success while Thana and Bombay Suburban Districts being cut off from Gujarat, candidates from those districts get little support from Gujarat voters. Again in an address presented to His Excellency the Governor of Bombay towards the end of the last year the Muhammadans of Ratnagiri District represented, with reference to the Southern Division Muhammadan constituency, that candidates are considerably handicapped by having to canvass voters in six districts; and requested that the rules should be so altered as to make it possible for a candidate to canvass two districts only. For this purpose the two Konkani Districts of Ratnagiri and Kolaba may be combined. In forwarding a copy of this representation the Collector remarked that the grievance of the Mussalmans was well-founded. The Commissioner, Southern Division, in his report, dated 2nd December 1927, has suggested that as the Konkani Muhammadans have nothing in common with the Up-Ghat Muhammadans, the propriety of reserving one of the three seats to the Konkani Muhammadans should be considered. He has added that the Southern Division Muhammadan constituency could also be re-adjusted on a linguistic basis by giving two seats to the four Kanarese districts—Bijapur, Dharwar, Belgaum and Kanara—and one seat to the two Marathi-speaking districts—Kolaba and Ratnagiri—without impairing the numerical strength of those districts in any way. There is much force in the demand for the redistribution of seats in the Muhammadan Divisional constituencies and these suggestions will be discussed in detail when proposals are made for revision of the constituencies at a later stage.

402. As stated above, the Southborough (Franchise) Committee took several facts into consideration besides population, when they allocated seats to the several constituencies. Their distribution of seats was, however, based on the figures of population which were taken from the census of 1911,

DIVERGENCIES IN
ELECTORAL STRENGTH.

(Formation of Constituencies and Distribution of Seats)

while their figures of voters were mere estimates. Appendix A shows the population and voting strength of each Muhammadan and Non-Muhammadan constituency of the Bombay Legislative Council based on the census of 1921 and on the electoral rolls prepared in 1926 and the number of seats allotted to each such constituency.

403. Under the existing arrangement, there are 8 three-member and 16 two-member constituencies, while 30 are single-member constituencies. No demand has been received for the splitting up of the plural-member constituencies (except on the grounds and in respect of the Muhammadan constituencies specified above) and it does not appear that any radical change is called for in the allocation of seats. The results of the last three elections have also shown that the elections were contested in single-member constituencies as keenly as in plural-member constituencies, the average number of candidates per seat being 2 to 3, the contest being keener in urban constituencies. Plural-member constituencies have a great advantage in that they give some chance of success to and create interest in those classes or communities which either on account of their numerical weakness or backward condition or lack of organisation would otherwise be entirely shut off from the field.

404. Seats are reserved for the Marathas in the Bombay City (North), Thana and Bombay Suburban Districts, Ahmednagar District, Nasik District, Poona District, Ratnagiri District, and the Sholapur, Kolaba and West Khandesh District constituencies of the Bombay Legislative Council. Of these, the seats in the case of the last-mentioned three constituencies are reserved by rotation. The Collectors of Poona, Sholapur, Bombay Suburban District, Kolaba and Nasik report that experience has shown that reservation of seats for the Marathas in their constituencies is not necessary and that if the Marathas who are in an overwhelming majority in those districts were united it should be possible for them to capture the seats without the special protection of reservation. The Collector of West Khandesh has reported that the special protection given to the community should be discouraged. The Collectors of Bombay and Ratnagiri report that but for reservation of seats for the Marathas a Maratha candidate would not have been elected in those constituencies. The Collectors of Thana and Ahmednagar are unable to express, on the statistics before them, any definite opinion whether it is still necessary to reserve a seat for the Marathas in those constituencies. Appendix B shows the total number of candidates nominated at the last three elections in each of the constituencies in which seats have been reserved for Marathas, the number of Maratha candidates nominated at each of the last three elections, the number of Maratha candidates elected at each of the last three elections, and the number of votes secured by each such candidate and his rank according to the number of votes secured among the candidates. The above statistics show that no strong case now exists for the reservation of seats in the constituencies in question where the Marathas are in a majority and are, as the results of the elections have shown, sufficiently

(Candidates)

educated and interested in the elections to be able, if organised and united, to capture the seats in a general electorate without the special protection of reservation. The abolition of the reserved seats may also stimulate their activities and interest. The case for abolition of reserved seats is much stronger in the case of a constituency like West Khandesh which has only one seat allotted to it and that one is reserved by rotation for Marathas.

Candidates

405. The number of candidates nominated at each of the elections of 1920, 1923 and 1926 was 189, 227 and 208 respectively. The number nominated for the Bombay City constituencies varied from 7 to 14 for the Non-Muhammadan constituencies and from 4 to 8 for the Muhammadan constituency, the former constituencies having 3 seats each and the latter 2 seats. The number of candidates nominated in other urban constituencies varied from 3 to 7. The number nominated for rural plural-member constituencies varied from 3 to 10 and that for single-member constituencies from 1 to 5. No prominent variation was noticeable between the number of nominations made in Non-Muhammadan constituencies and that made in Muhammadan constituencies. The candidates generally appeared *suo motu* and were not put forward by political parties, except to some extent, by the Swaraj party. The political outlook of candidates is generally parochial and there are no well established political parties. The candidates from rural constituencies are generally men of average ability and of some influence in their constituencies. In Sind, they are mostly zamindars. Communal considerations often play an important part in the selection of the candidates, but the fact that a candidate is a Swarajist, Responsivist, or of certain political leanings has also had its effect. The candidates selected in urban constituencies have generally been men of some ability, status and influence and there is reason to believe that the vote is more intelligently exercised in urban areas. The candidates selected were not always the very best men available in the constituency. Some of them did not know English, the language in which the proceedings of the Council are conducted. The number of members who did not know English was 17 in the first Council, 12 in the second Council and 15 in the third. Some returning officers have suggested that an educational qualification should be prescribed which a candidate standing for election must possess. Of the candidates elected in 1920, 44 were Hindus, 7 were Parsis and 1 Christian among the non-Muhammadans; the number of these in 1923 was 46, 5 and 1 respectively; and in 1926, 47, 5 and *nil*. Of the members elected to the Council in 1920, 12 were landlords, 20 were lawyers, 9 were merchants, 3 were money-lenders and 25 held University degrees; the number of these in 1923 was 18, 30, 17, 1 and 32 respectively; and in 1926 it was 25, 21, 10, 1 and 34; there being also 3 journalists and 3 doctors. No distinct political parties were formed at the elections of 1920, the only prominent party being the Non-Co-operators, the non-co-operation movement being in full swing at that time. Of the

(Elections)

members returned in 1923, 29 were Swarajists, 13 Independents, 8 Liberals, 7 Moderates and 10 Non-Brahmins. In 1926 there were 14 Swarajists, 21 Independents, 10 Liberals, 4 Moderates, 7 Responsivists and 11 Non-Brahmins. Candidates seeking election to the Legislative Assembly were generally of better status and quality than those nominated for election to the local Legislative Council. The rule requiring a money deposit from candidates has had some, though not a deterrent, effect in restraining men of straw from standing as candidates. As many as 54 candidates forfeited their deposits in 1923 and 36 in 1926. Cases in which no nominations were made by constituencies called upon to elect members have not been more than half a dozen during the last eight years and of these the constituencies which failed more than once to nominate members were the European Chambers of Commerce. These bodies, especially the Karachi Chamber, found it difficult, owing to the limited number of their members, to find men willing to give up their business for long periods to attend Council sessions. Nominations were not challenged to any considerable extent and the objections usually taken were mere technical ones only, *e.g.*, absence of the necessary residential qualification, being simultaneously a member of two legislative bodies, etc. Withdrawals from candidatures were not many and no report has been received of a withdrawal made out of unworthy motives. The grounds on which they were generally withdrawn were either because the withdrawing candidate could see no prospect of success, or because he wished to facilitate the work of a brother candidate or because he was contesting an election in another constituency. The number of uncontested elections in each of the eight years 1920-27 was 13, 1, 2, 11, 2, 6, 12 and 2 respectively. The figures in italics are for the general elections. Of the uncontested seats in each of these three years 7 were for the Commerce and Industry constituencies and 2 for the European constituencies. Joint candidatures in plural-member constituencies and multiple candidatures by a single aspirant to various seats or legislatures were rare.

406. The disqualification of women for election and nomination to the local Legislative Council was removed by a resolution passed by the Council on the 6th August 1926. No woman, however, stood as a candidate for election at the elections of 1926 nor was one nominated to the Council.

REMOVAL OF SEX
DISQUALIFICATION OF
WOMEN.

Elections

407. The arrangements made for polling were generally found to be satisfactory. No difficulties were experienced in framing suitable polling areas and in appointing polling stations in the present constituencies. The number of polling stations in urban constituencies varied from 5 to 10 and in rural constituencies from 10 to 90 according to the size of the constituency and the number of electors. In rural areas a polling station served, on an average, an area within a radius of 6 to 9 miles. The number of polling

ELBOATIONS.

(Elections)

stations was considerably increased in 1926 when it was reported that the arrangements made in 1923 had caused hardship to the voters. One-day elections were found suitable and it is believed that any extension of the time might result in inconvenience and expense, as the number of officers on duty is limited and generally the same officers are employed at different elections taking place about the same time. The agency employed was largely Government officers and servants and where the number of these was not found sufficient, municipal and local board officials and school-masters were asked to assist with due regard to the admixture of castes. Presiding officers were generally Government gazetted officers or other responsible officers. The arrangements made at the polling stations may be briefly mentioned. At each polling station one presiding officer and the necessary number of polling officers were appointed, the number being fixed according to the number of voters to be handled at the polling station, estimating that, on an average, a polling officer can handle two hundred voters. Generally, candidates and their agents meet their voters as soon as they enter the compound, give them their number on the electoral roll and all necessary guidance in the matter. At the entrance to the polling station, a slip issuing clerk is stationed whose duty it is to identify voters and to issue them slips showing their number on the electoral roll. The voter then goes with the slip to the polling officer who ticks off his number on the electoral roll and gives the voting paper to the voter. Posters showing numbers dealt with by each polling officer are hung up near the table of each polling officer in order to enable the voter to know which polling officer he has to go to for obtaining a ballot paper. In Bombay City big posters containing the names of all candidates in the vernaculars of the City as well as in English with the symbol assigned to each candidate are also hung up at the entrance of each polling station concerned. The presiding officer is given a complete copy of the electoral roll and the relevant portion of the roll is given to each polling officer concerned. The procedure prescribed in Part IV of the Bombay Electoral Regulations is followed. The polling station is divided into a number of compartments in which voters can record their votes screened from observation. Each compartment contains a small table, a chair, and a strong indelible pencil tied with a string. A voter, on receiving a voting paper from the polling officer, enters an unoccupied compartment by one entrance, and after recording his votes, folds up the voting paper, leaves the compartment from the exit and puts the voting paper into a ballot box. The ballot box is kept by the side of the presiding officer and is locked and sealed in the manner prescribed by Regulation 7 of Part IV of the Bombay Electoral Regulations before it is so kept. No one is admitted into the polling station except the presiding and polling officers, the returning officer and his staff when they visit the polling station to watch the election, the candidates and one agent of each candidate appointed in writing by the candidate and authorized in this behalf by the returning officer. If the voters need any guidance it is given by the candidates or their agents or by the presiding or polling officer inside the polling station within view of all persons

(Elections)

present and outside the voting compartment. No one except the voter is allowed admission into the voting compartment and no other voter is allowed in until the voter preceding him has left the compartment. The police maintain order at the polling station. The number of voters that can be handled at a polling station depends, to some extent, on the accommodation available at the premises and varies also with the capacity and efficiency of the presiding and polling officers on the one hand, and the intelligence and literacy of the voters on the other. If the latter are wholly illiterate—and this is common in rural constituencies—they take more time for guidance and instructions. The maximum number of voters conveniently handled at a polling station was 5,000 in Bombay City. The maximum number of voters in a constituency that went to vote was 14,000 and odd at the elections of 1926. With a sufficient number of polling stations and polling officers a fairly large number of voters can be handled in a single constituency.

408. The system of voting employed is the "cross and symbol system." At the elections of 1920 the system adopted was the "coloured box system." Each candidate was given a colour if the candidates were not more than 5 and a symbol if they were more than 5. The reason why symbols were adopted for a large number of candidates was that the only colours which would be easily recognised by illiterate voters were black, white, yellow, red and green. The system worked well and it was found that illiterate voters found it easy to recognise the colour assigned to the candidate for whom they wished to vote. The Reforms Commissioner who conducted the elections of 1920, however, reported that the coloured-box system was open to great practical objections. One great objection to the system was that it required an enormous number of boxes, because at all the numerous polling stations throughout a district there must be a separate box for each candidate. The inconvenience of transporting these boxes about the country was great and there was always a chance of some of them getting lost in transit. It is also alleged that the coloured-box system interferes to some extent with the secrecy of voting. On the recommendation of the Reforms Commissioner, therefore, the system was changed at the elections of 1923 and the system of voting since then adopted is the "cross and symbol system". This system has been tried in the municipal elections and has been found quite successful. As an additional precaution, each voting paper is stamped by the polling officer at the join of the foil and counterfoil by means of a seal provided for the purpose before it is handed to a voter, so that if any forged voting papers are inserted by the voter into the ballot box, they can be easily detected. The voting paper consists of a foil and counterfoil. The counterfoil contains the name of the constituency, the number of the polling station, the number of the elector on the electoral roll, and the signature or thumb impression of the elector. The outerfoil contains the name of the candidate. Opposite the name is printed an impression of the symbol allotted by the returning officer to each candidate. There is a column provided

(Elections)

against each name wherein the voter puts a cross. The cross is put against the name of the candidate for whom the voter wishes to vote. The symbols selected are widely known and an illiterate voter recognises by means of the picture the name of the candidate for whom he wishes to vote. This system has worked well, though in some constituencies where the electorate is altogether illiterate and backward, crosses are made by the voters at random and not in the particular place provided for the cross in the ballot paper, with the result that the returning officer has found it very difficult to decide for which candidate the voter intended to vote.

409. In rural areas the voters are largely illiterate, though the degree of illiteracy differs in different constituencies. Voters do not ordinarily go to the poll of their own accord. They are brought to the polling stations by the agents of the candidates by blocks according to villages and generally in conveyances provided at the candidates' expense. In rural areas they are generally brought to the polling station in conveyances such as carts and motor lorries and in urban areas in motors, buses and tongas provided by the candidates. Paid canvassers are as a rule engaged by all candidates and agents are employed who secure voters and bring them to the poll. Candidates have also not been slow to make use of the leaders of their community, their caste people and friends, for influencing the voters in their favour. In Sind the Pirs or religious leaders had also a large share in securing the attendance of voters and directing their votes, while considerable influence was also exercised by the powerful landlords over their tenant voters.

The Commissioner in Sind reports:—

“Months before the elections the candidates visit the principal places in their constituency and meet voters individually or collectively, according to the importance of the person or exigency of the occasion. As the election days approach, paid workers are engaged, manifestoes are issued, meetings are held and posters and hand bills are distributed. Besides these open measures, the candidates approach voters through the influential men of the locality who are favourably disposed. In the case of Muhammadan voters the Pir or Sayed or the big local zamindar becomes the most useful canvasser and no candidate could succeed without the assistance of such persons. No corrupt practices of the nature of payment for voters have been proved, but money has been freely used in the travelling and entertainment expenses of Pirs, zamindars and paid workers. Much organisation of this sort is required for the constituencies which extend over several districts. The spiritual head or the zamindar would issue instructions to his followers and the block system is hardly necessary.”

Candidates, as a rule, begin their electioneering campaign two or three months before the elections. Posters, letters to voters, handbills,

(Elections)

meetings and election addresses are common. The local newspapers also take part in this work. In the case of the non-Brahmin party there is also an appeal to non-Brahmin sentiment. The prospective candidate begins his electioneering campaign by calling a meeting of his supporters. He then proceeds to solicit the votes of the electors from door to door and thereafter endeavours to obtain their adherence by sending them periodical reminders by post. Posters and handbills are distributed all over the constituency, often with the picture of the symbol allotted to the candidate, and addresses are delivered at convenient centres. Treating and hiring conveyances to take voters to polling booths are almost universal; other corrupt practices on any appreciable scale are not so common; but all out-of-pocket expenses of the canvassers, etc., are paid by the candidate. As the day of election approaches, garden parties, at-homes and fêtes also become frequent. On the day of the election, drinks, refreshments and even meals are provided for voters. To bring the voters to the poll, a batch of the electors is assigned to each supporter of the candidate who is responsible for seeing that the voters are brought to the polling station. The necessary conveyances are previously arranged for; some of them being private vehicles loaned by friends.

Once the election is over, the voters and the candidates do not care to keep in touch with each other.

The conduct of the voters at the polling stations was generally satisfactory, and no untoward incident was reported to have occurred. The voters in rural areas being largely illiterate require help in the recording of their votes. The system of voting described above is specially devised to suit illiterate voters. They receive all necessary instructions from the candidates and their agents, and presiding and polling officers are also available for their guidance. In spite of all these efforts, however, it has been found at the counting of votes that many voters do not fully follow the instructions and all sorts of figures, crosses, circles, lines, etc., are often put at random on the ballot paper. Cases of personation have been reported from some places, but these are too few to need any special comment. The number of tendered votes did not come, on an average, to more than 4 or 5 per cent. The employment of election agents was common, though several candidates nominated themselves as their own election agents. In plural-member constituencies, every voter has as many votes as there are members to be elected, and he is entitled to give all of them to one candidate or to distribute them amongst the candidates as he pleases. In elections for the Council of State, voting by post is allowed.

410. Several election petitions were made in respect of the elections held in 1920, 1923 and 1926, but few of them met with success. Of the two election petitions made in respect of the elections of 1920, one contended that the ballot boxes were not found properly sealed and demanded a fresh poll, and the second was on the ground of corrupt practices having been committed

(Elections)

in connection with the election; the former was dismissed by His Excellency the Governor as it was not in the prescribed form and was not accompanied by the prescribed deposit; the latter was withdrawn. Six election petitions were received in respect of the elections held in 1923, 3 in respect of the elections held in the Bombay City constituencies, 2 in respect of the election held in the Dharwar District non-Muhammadan constituency, and one in respect of the election held in the Belgaum District non-Muhammadan constituency. Of the 3 election petitions made in respect of the Bombay City constituencies, one alleged that the election of the returned candidate was void on account of the improper acceptance of his nomination by the Returning Officer and on account of corrupt practices having been committed in connection with the election; the other two election petitions were on the ground of corrupt practices and one of them was dismissed by His Excellency the Governor as it was not in the prescribed form. In the first case, the Commissioners found that the returned candidate was not properly nominated as he did not possess the necessary residential qualification for a Bombay City constituency and they, therefore, held that the next candidate who had obtained the largest number of votes should be declared elected in his place; the petitioner was successful but he withdrew, for lack of evidence, all charges of corrupt practices at the trial of the petition. In the second case, the Commissioners held that the result of the election had been materially affected by the use of public conveyances for taking voters to the polling stations—though they held that it was not proved that it was done by the candidate; and they declared the election of the returned candidate void. The petitions in respect of the election held in the Dharwar District constituency were made on the grounds of illegal rejection of some votes and improper acceptance of others, the improper form of the ballot paper, irregular counting of votes and decisions by the Returning Officer, and breach of the rules and times appointed for polling in some places. Both the petitions were tried by the same Commissioners who came to the conclusion that the result of the election had not been materially affected by the irregularities alleged by the petitioners, and held that the returned candidates were duly elected. The petition in respect of the Belgaum District non-Muhammadan constituency was made by a registered voter in the constituency on the ground that the nomination of one of the candidates was improperly accepted, he being at the time of his nomination a member of the Legislative Assembly and therefore ineligible for election. The Commissioners upheld this contention but dismissed the petition on the ground that the election of the candidates who had been elected was not affected by the improper acceptance of the nomination of the candidate who was unsuccessful at the election. Nine election petitions were received in 1927,—2 against the election in the Ahmednagar District non-Muhammadan constituency, 3 against the election in the Sholapur District non-Muhammadan constituency, 2 against the elections in the Poona City and Poona District non-Muhammadan constituencies, 1 against the election in the Kolaba District constituency and 1 against the election in the Southern

(Elections)

Division Muhammadan constituency of the Bombay Legislative Council.

The two election petitions against the election in the Ahmednagar District non-Muhammadan constituency were made by the same persons and the first of them was dismissed by His Excellency the Governor as it was not in the prescribed form. The second was made on the grounds that the returned candidate had committed the corrupt practices of bribery, hiring of and payment for conveyances, publication of false statements and personation, and that the return of election expenses of the elected candidate had not been prepared in the manner prescribed by the Bombay Electoral Rules. The Commissioners held that the election of the returned candidate was void as corrupt practices had been committed in connection with the election. It was also proved that the corrupt practices of hiring conveyances to take electors to the polling stations, of making payments in contravention of the Electoral Rules and of personation had been committed on a large scale in connection with the election, and that the return of election expenses of the returned candidate was false in material particulars. Of the three election petitions in respect of the election in the Sholapur District non-Muhammadan constituency, 2 were dismissed by His Excellency the Governor as they were not made in the form prescribed by the Electoral Rules. One, which was admitted, was made on the grounds of improper acceptance of ballot papers, improper rejection of ballot papers, and of the corrupt practice of personation committed at the election. The Commissioners, however, held that the returned candidate had been duly elected and the petition failed. Of the two petitions made in respect of the election in the Poona City and District constituencies, the one against the election in the City constituency was made on the ground of improper acceptance of the nomination paper by the Returning Officer, and the other against the election in the Poona District constituency on the ground that on the date of his nomination the returned candidate was not a British subject, and, therefore, was ineligible for election, that he had not resided in the constituency for a period of 6 months immediately preceding the last date fixed for the nomination of candidates in the constituency as required by the Bombay Electoral Rules and that, therefore, the acceptance of his nomination by the Returning Officer was improper. Both the election petitions were dismissed by the Commissioners and the returned candidates were declared to have been duly elected. The petition in the Kolaba District non-Muhammadan constituency was made on the grounds that there was personation at several polling stations, that the provisions of the Bombay Electoral Rules had not been properly complied with and that corrupt practices of bribery, undue influence, treating, publication of false statements, payment for and hire of conveyances and issue of circulars, etc., without the printer's or publisher's name printed thereon, had been committed in connection with the election. The petition was dismissed by the Commissioners as the petitioner failed to furnish the necessary security as required by the Bombay Electoral Rules. The petition against the election in the Southern Division Muhammadan

(Central Legislature)

constituency was made on the ground of irregularities committed by the Returning Officer at the counting of the votes, and it was dismissed by the Commissioners as the allegations were not proved.

411. The cost of the elections to Government in 1920 was heavy as the whole procedure was new and considerable expenditure had to be incurred on account of the extra staff required, printing and publication of rolls, construction and equipment of polling stations, etc., in connection with the elections. The total cost was a little over Rs. 5,00,000. In subsequent elections the cost was much less. In 1923, it was about Rs. 1,45,000 and in 1926 about Rs. 1,60,000. The expenditure incurred by the candidates cannot be accurately stated. It appears, however, from the returns of election expenses filed by the candidates with the returning officers under the Bombay Electoral Rules that the amounts varied in the year 1920 from Rs. 2 to Rs. 6,881, in 1923 from Rs. 5 to Rs. 6,876, and in 1926 from Rs. 4 to Rs. 12,117. It is, however, believed that the amount of expenditure shown by the candidates in the returns of election expenses was not the amount actually incurred and that a very considerable amount of expenditure had been incurred by the candidates in addition, in "nursing the constituencies" and (though this is never admitted openly) in hiring conveyances to bring voters to the polling booths. The question of fixing the maximum scales of election expenses under rule 20 of the Electoral Rules has been considered more than once, but no decision has yet been arrived at.

Central Legislature.

412. The information given above in connection with elections for the Bombay Legislative Council holds good *mutatis mutandis* in respect of elections for the Legislative Assembly and the Council of State, except in respect of the matters discussed below.

CENTRAL
LEGISLATURE.
LEGISLATIVE ASSEMBLY.
QUALIFICATIONS OF ELECTORS : GENERAL CONSTITUENCIES.

413. The qualifications of an elector for a general constituency of the Legislative Assembly are based on—

- (1) community ;
- (2) residence ; and
- (3) (a) the holding of land. or
(b) assessment to or payment of income-tax.

(Rule 8 and Schedule II, Part II—Legislative Assembly Electoral Rules.)

A person is qualified as an elector for a non-Muhammadan or Muhammadan constituency of the Legislative Assembly who, on the prescribed date, had a place of residence within the constituency or within a contiguous constituency of the same communal description and who—

- (a) in the case of the Sind constituencies, on the said date held in his own right or occupied as a permanent tenant or as a lessee from

(Central Legislature)

Government alienated or unalienated land in such constituency, on which an assessment of not less than Rs. 37-8-0 land revenue in the Upper Sind Frontier District and of not less than Rs. 75 land revenue in any other district has been paid or would have been paid if the land had not been alienated; or

(b) in the case of any other constituency, on the said date held in his own right or occupied as a tenant in such constituency alienated or unalienated land assessed at or of the assessable value of not less than Rs. 37-8-0 land revenue in the Panch Mahals District or Ratnagiri District and not less than Rs. 75 land revenue elsewhere; or

(c) on the said date was the alienee of the right of Government to the payment of rent or land revenue, amounting to Rs. 37-8-0 in the Panch Mahals or Ratnagiri or Upper Sind Frontier District and of Rs. 75 elsewhere, leviable in respect of land so alienated and situate within the constituency or was a Khot or a sharer in a Khoti village in the constituency or a sharer in a Bhagdari or Narvadari village in the constituency responsible for the payment of Rs. 37-8-0 land revenue in the Panch Mahals or Ratnagiri District or Rs. 75 land revenue elsewhere; or

(d) was assessed to income-tax.

A person is qualified as an elector for the Bombay European constituency whose name is registered on the electoral roll of the European constituency of the Bombay Legislative Council, or who is qualified for enrolment in either of such rolls.

A person is qualified as an elector for the Sind Jagirdars and Zamindars constituency who is a Jagirdar of the first or second class in Sind or a Zamindar who has paid Rs. 1,000 or more land revenue on land situated in any district in Sind. A person is qualified as an elector for the Deccan and Gujarat Sardars and Inamdars constituency whose name is entered in the list for the time being in force maintained by Government or who was the sole alienee of the right of Government to the payment of rent or land revenue in respect of an entire village in the Presidency of Bombay excluding Sind and Aden, or was the sole holder on talukdari tenure of such a village.

In the case of the Indian Commerce constituencies members of the Indian Merchants' Chamber and Bureau and of the Bombay Millowners' Association and the Ahmedabad Millowners' Association are qualified

as electors respectively for the constituency comprising their Association of which they are members.

No person other than a Muhammadan is qualified as an elector for a Muhammadan constituency and no Muhammadan or European is qualified as an elector for a non-Muhammadan constituency.

COUNCIL OF STATE.
QUALIFICATIONS OF
ELECTORS: GENERAL
CONSTITUENCIES.

414. The qualifications of an elector for a general constituency of the Council of State in the Presidency of Bombay are based on—

- (1) residence and community; and
- (2) (a) the holding of land; or

(Central Legislature)

- (b) assessment to or payment of income-tax ; or
- (c) past or present membership of a legislative body ; or
- (d) past or present tenure of office on a local authority ; or
- (e) past or present University distinction ; or
- (f) the holding of a title conferred for literary merit.

(Rule 8 and Schedule II, Part II of the Council of State Electoral Rules).

A person is qualified as an elector for a general constituency who has a place of residence in the constituency and who—

(a) is, in Sind, a Jagirdar of the first or second class or a Zamindar, who has paid not less than Rs. 2,000 land revenue on land situated in any district in Sind ; or

(b) is a Deccan Sardar or a Gujarat Sardar ; or

(c) is a sole alienee of the right of Government to the payment of rent or land revenue in respect of an entire village assessed to land revenue of not less than Rs. 2,000 or is a Talukdar or a co-sharer in Talukdari land or a Khot responsible for the payment of land revenue of not less than Rs. 2,000 ; or

(d) is a holder of land assessed or assessable to land revenue of not less than Rs. 2,000 ; or

(e) is assessed to income tax on an income of not less than Rs. 30,000 ; or

(f) is or has been a non-official member of either Chamber of the Indian legislature or a non-official member of the Indian Legislative Council or of the Bombay Legislative Council ; or

(g) is or has been the President of the Bombay Municipal Corporation or a non-official president or vice-president of any city municipality or of a district local board ; or

(h) is or has been a Fellow or an Honorary Fellow or a member of the Senate of the Bombay University ; or

(i) is recognised by the Government as the holder of the title of Shams-ul-Ulama or of the title of Mahamahopadhyaya.

No person other than a Muhammadan is qualified as an elector for a Muhammadan constituency and no Muhammadan is qualified as an elector for a non-Muhammadan constituency.

A person is qualified as an elector for the Bombay Chamber of Commerce constituency who is a member of that Chamber and has a place of residence in India.

**SPECIAL
CONSTITUENCIES.**

415. The number of electors for the Indian Legislative Assembly on the basis of these qualifications was 128,234 in 1920, 145,805 in 1923 and 159,418 in 1926 ; for the Council of State the electors were 2,956 in 1920 and 1,826 in 1925. The number of electors who went to vote was 8,630 in 1920, 51,974 in 1923 and 51,321 in 1926 for the Legislative Assembly ; and 682 in 1920 and 435 in 1925 for the Council of State. The proportion of electors to the total population of the Presidency comes to .83 per cent. in the case of the Legislative Assembly and .009 per cent. in

(Central Legislature)

the case of the Council of State. The total number of female voters at elections for the Legislative Assembly was 3,358 in 1923 and 4,404 in 1926 and for the Council of State the number was 14 in 1925. The number of female voters who went to vote at elections for the Legislative Assembly was 141 in 1923 and 343 in 1926 ; and for the Council of State it was 6 in 1925. The growth of the electorate for the Legislative Assembly has been due to the special steps taken by Government for the preparation of the electoral roll and to the greater accuracy with which the electoral rolls were prepared. It has also to some extent been due to the grant of the franchise to women. The various classes and interests are fairly represented on the basis of the existing franchise. No representations have been received regarding the exclusion of any particular classes or interests or alleging that the franchise is based on lower qualifications for particular classes or that particular classes are more fully enfranchised than others. As regards the interest taken in the franchise and the value attached to a vote, the remarks that have been made in connection with elections for the local Legislative Council hold good in the case of elections for the Legislative Assembly and the Council of State also. The Commissioner, Central Division, has reported that there is no reason to surmise that the Legislative Assembly electorate is more interested in the franchise as a result of the higher qualifications or is more avid in its use. It appears, however, that the electorate for the Legislative Assembly is, as reported by the Commissioner, Southern Division, and the Collector of Karachi, of a better class and more intelligent. It is doubtful whether the Assembly electors exercise any influence on the candidates after election. The number of claims filed for enrolment on the electoral roll of the Legislative Assembly was 376 in 1920 and 280 in 1926. The number of petitions filed was 19 in 1926 only. Very little effort was made by political parties or by prospective candidates to bring supporters on the roll or to keep their opponents off it. Nor were any cases reported in which communities or interests endeavoured to bring on the electoral roll large numbers of their adherents. The electoral rolls both for the Legislative Assembly and the Council of State were prepared and revised by the Collectors as in the case of the rolls for the Legislative Council, and the observations made in that connection apply here also.

416. There are 16 constituencies of the Legislative Assembly in this Presidency, of which 11 are based on a territorial and communal basis and the remaining 5 are special constituencies, of which 2 are Landholders' constituencies and the other 3 are Commerce constituencies. Of these, 8 are entitled to representation in rotation. There are 4 constituencies of the Council of State in this Presidency, of which 3 are based on a territorial and communal basis and 1 is a European Commerce constituency. No representations have been received suggesting that any particular interest is more enfranchised than any other. Some demands for additional representation have been received during the last

(Central Legislature)

eight years. One was an application from the Secretary of the Karnatak Non-Brahmin League, Belgaum, requesting that an additional seat should be given to the Southern Division on the Legislative Assembly. Another was a representation from the Bombay Millowners' Association requesting that the Association should be given continuous representation on the Legislative Assembly instead of alternately with the Ahmedabad Millowners' Association, on the grounds,

(1) that the Bombay Millowners' Association represents cotton mills all over India (whereas the Ahmedabad Millowners' Association represents a provincial section only);

(2) that the paid up capital of the former is more than Rs. 20 crores and that the Bombay Millowners employ over 200,000 persons and are the largest tax-payers;

(3) that they have long experience in connection with legislation; and

(4) that the Madras and Bombay Indian merchants are entitled to elect a member to the Legislative Assembly.

A third representation received was from Sardar Mutalik requesting that a separate seat should be allowed to the landholders of the Presidency proper (and not one along with Sind) on the Legislative Assembly on the grounds,

(1) that the present arrangement prevents the landholders in the Presidency proper from being continuously represented; and

(2) that the conditions in Sind and those in the Presidency proper are so entirely different that a representative from Sind cannot adequately represent the interests of the landholders in the Presidency proper. A representation was also made by the Sardars, Talukdars and Inamdars of the Kaira District, praying for a separate seat on the Legislative Assembly for the Gujarat Sardars, Inamdars and Talukdars, or an alternative representation for them, on the ground that as voters in the Deccan are in an overwhelming majority in their constituency a Sardar from Gujarat has no chance of success.

417. The number of candidates nominated for the Legislative Assembly was 29 in 1920, 34 in 1923 and 30

CANDIDATES.

in 1926. Eleven candidates were nominated for election to the Council of State in 1920 and 12 in 1925. Of the candidates nominated for the Legislative Assembly in 1920, 3 were from urban constituencies, 18 from rural constituencies, 4 from Indian Commerce constituencies and 4 from Landholders' constituencies; of the number of candidates nominated in non-Muhammadan constituencies, 1 was a Parsi and 13 Hindus. Of the candidates nominated in 1923, 8 were from urban constituencies, 21 from rural constituencies, 3 from Indian Commerce constituencies and 2 from Landholders' constituencies; and of the members nominated in non-Muhammadan constituencies, 2 were Parsis and 16 Hindus. Of the candidates nominated in 1926, 6 were nominated in urban constituencies, 21 in rural constituencies, 2 in Indian Commerce constituencies and 1 in Landholders' constituencies; of the members nominated in non-

(Central Legislature)

Muhammadan constituencies, 1 was a Parsi and 14 were Hindus. No Christian was nominated at any of the elections. Of the candidates nominated for the Council of State in 1920, 10 were from non-Muhammadan and Muhammadan constituencies and 1 was from the Bombay Chamber of Commerce constituency; and of the former 4 were Parsis and 4 were Hindus. Of the candidates nominated in 1925, 11 were from the Muhammadan and non-Muhammadan constituencies and 1 was from the Bombay Chamber of Commerce constituency, and of the former 1 was a Parsi and 5 were Hindus. No Christian was nominated at any of the elections. The candidates appeared *suo motu* and were not put forward by political parties or by particular interests, though some of the candidates for the Legislative Assembly appeared on the Swarajist ticket. The candidates elected to the Legislative Assembly and the Council of State have as a rule been men of much higher status and qualifications than the members elected to the Local Legislative Council. Many of them, like the Honourable Mr. Patel, Mr. Jinnah, Mr. Kelkar, Sir Purshotamdas Thakurdas, Mr. Jayakar and Sir Pheroz Sethna have had a long career of public activity behind them and have made their mark either in the local Legislature or in municipal administration before their election to the central Legislature. Many others are leaders in commerce and industry.

Nine candidates for election to the Legislative Assembly forfeited their deposits in 1923 and 6 in 1926. As candidates of quality and status have come forward for election to the Legislative Assembly and the Council of State, the effect of the rule requiring the money deposit from candidates has not been noticeable. Nominations were made by the constituencies on all occasions on which they were called upon to elect. Cases in which nominations were challenged by opponents were rare. Withdrawals were very few, and no report has been received that they were actuated by unworthy motives. The number of uncontested elections for the Legislative Assembly was 9, 4 and 6 respectively in each of the years 1920, 1923 and 1926. As regards the Council of State, 3 elections were uncontested in 1920 and 2 in 1925. There were very few cases in which the same persons stood for election to more than one seat or legislature. Nominations were scrutinised by the Returning Officers in accordance with the Electoral Rules and Regulations and the procedure was found to be suitable. No difficulties were reported.

418. In the conduct of the elections the procedure followed was

ELECTIONS.

largely the same as that adopted for elections for the Bombay Legislative Council. All polling arrangements were made by the Collector. No difficulty was experienced in the framing of suitable polling areas and one day elections were found suitable. For elections to the Legislative Assembly, taluka towns were generally selected for polling stations and the same date was fixed for elections to the Legislative Council and the Legislative Assembly by the Landholders' constituencies, so that inconvenience to intending voters would be minimised. The agency employed was mostly Government officials. The form of ballot paper used at elections for the Legislative

(Communal tendencies exhibited by non-official members)

Assembly is similar to that used for elections to the Bombay Legislative Council, except that symbols are used for ballot papers for the non-Muhammadan and Muhammadan constituencies in Sind only and not for constituencies in the Presidency as the electorate for the Legislative Assembly in Sind is considered to be less advanced. In the elections for the Council of State voting by post is allowed. No difficulties have been reported; the conduct of the voters at the polling stations was satisfactory. No election petitions were received during the period under report against the elections in the constituencies of the Legislative Assembly and the Council of State in this Presidency. Arrangements for elections for the Legislative Assembly are made along with those for elections for the Bombay Legislative Council. Separate figures of the cost of the elections for the Legislative Assembly are therefore not available. As regards the Council of State, the arrangements for the elections of 1920 were made along with those for the elections for the Bombay Legislative Council and the Legislative Assembly, and separate figures of expenditure incurred in connection with the elections for the Council of State are not therefore available. The cost of the elections held in 1925 was Rs. 2,300 approximately. In other respects, the remarks made in connection with elections for the Bombay Legislative Council apply to those for the Legislative Assembly and the Council of State.

Communal tendencies as evidenced by questions put, resolutions moved or proposed to be moved, and legislation and amendments brought forward by non-official members.

418. As stated in the remarks on "Tendency of legislation since the Reforms" in Chapter VII communal tendencies were often noticeable in the Bills or amendments to Bills brought forward by non-official members, the more striking instances being Mr. Lathe's Bill to amend the law relating to emoluments claimable by watandar Hindu priests and Mr. S. K. Bole's Bill to the same effect, Mr. Bole's and Mr. Surve's Bills to amend the Bombay City Municipal Act, 1888, and the amendments to the Bombay University Bill of 1927, providing for the representation of non-Brahmins and Muhammadans in the constitution of the University. No Bill on the subject except Mr. Bole's Bill regarding the emoluments claimable by watandar Hindu priests has, however, been passed. Communal tendencies were, however, much more pronounced in the case of resolutions and questions moved or asked by non-official members, as will be seen from the list of the more important resolutions and questions given in Appendix I.

Constitution of a Second Chamber.

419. The question of constituting an Upper House or a Second Chamber in the provinces was considered in paragraph 258 of the Montagu-Chelmsford Report. CONSTITUTION OF A SECOND CHAMBER. The authors of the Report, after briefly reviewing the advantages and disadvantages of the system, add that "we have decided for the present against bicameral institutions for the provinces.

(Constitution of a Second Chamber ; Influence of the Press)

At the same time we bear in mind that as provincial Councils approach more closely to parliamentary forms, the need for revising Chambers may be the more felt ; and we think that the question should be further considered by the Periodic Commission which we propose hereafter.' The Government of India in inviting the opinion of the local Government on the Reforms proposals in their letter No. 248-R-Confidential dated the 11th December 1917, after examining the question of Second Chambers in paragraph 21 stated as follows :—

"The Government of India admit that their present disposition is to prefer a single composite Chamber, if one can be constituted, in which the elected element would be really representative and in which there would also be a considerable nominated element to the alternative of instituting Second Chambers. At the same time they are impressed with the desirability of looking well ahead and are disposed to take the opportunity of acquiring statutory powers to establish Upper Houses, even if no use is made of them, rather than risk being unable to do so on some future occasion when the need may be more apparent. There is, moreover, in a matter of this kind no need for uniformity ; and the Government of India know of no reason why a province in which a suitable Second Chamber could be constituted and would fulfil a useful function should not have one although the bicameral system is considered unsuitable to other provinces."

The Government of Bombay replied that they were not in favour of creating at that time an Upper Chamber for the Bombay Presidency. No necessity had been felt for a Second Chamber during the period under report ; nor had the question been brought for the decision of the local Legislative Council or for further consideration by the Government of Bombay. The question will no doubt have to be considered in all its bearings along with the question of revision of the Constitution.

Influence of the Press on (i) elections ; and (ii) questions brought before the Legislative Council.

420. It does not appear that the Press has any very appreciable influence either on the elections or on questions brought before the Legislative Council. Only a small section of the public seems as yet to have realised the possibilities of the Press as a medium for expressing or influencing public opinion. Newspapers discuss the relative merits of intending candidates about the time of elections but it can hardly be said that the electorates are influenced by the opinion of the Press. The voters are influenced rather by the personality of the candidate, his social position and influence and by communal considerations than by any views expressed by the Press. The illiteracy of the voters may also be responsible to some extent for the slight influence which the Press has exercised over the elections.

Almost all important questions which have come before the Legislative Council, e.g., the Bombay Development and Sukkur Barrage Schemes, the Talegaon Riots, the Harvey-Nariman case, the appointment of a committee to co-operate with the Indian Statutory Commission, the "Visitorial"

(Appointment of Standing Committees and Council Secretaries)

clause in the Bombay University Bill, the Revenue Settlement of the Bardoli Taluka of the Surat District, etc., have been discussed at great length in the Press, and there is no doubt that the influence of the Press in urban areas and to an increasing extent in rural areas is having its effect on public opinion both within and outside the Legislative Council.

Appointment of Standing Committees and Council Secretaries.

421. The question of the appointment of Standing Committees has been discussed in paragraph 235 of the Montagu-Chelmsford Report. The authors of the Report state that "our next proposal is intended to familiarise other elected members of the Legislative Council besides Ministers, with the processes of administration; and also to make the relations between the Executive and Legislative more intimate. We propose that to each department or group of departments, whether it is placed under a Member of the Executive Council or under a Minister, there should be attached a Standing Committee elected by the Legislative Council from among their own members. Their functions would be advisory. They would not have any administrative control of departments. It would be open to Government to refuse information when it would be inconsistent with the public interests to furnish it. We do not intend that all questions raised in the course of day to day administration should be referred to them; but that they should see, discuss and record for the consideration of Government their opinion upon all questions of policy, all new schemes involving expenditure above a fixed limit, and all annual reports upon the working of the departments." In inviting the opinion of the Local Government on this subject in paragraph 24 of their letter No. 248-R-Confidential, dated the 11th December 1917, the Government of India stated that "Committees of Legislative Councils are, in their opinion, likely to prove a valuable device for bringing the two parts of Government together, irrespective of the question whether the Council has the ultimate power of control or not. They would not propose to give the committees any administrative control of departments nor a right of interrogation or of calling for reports; nor do they think it will be possible to provide that all questions arising in the course of the daily administration of the different departments should be referred to the committees. What they contemplate is that all questions of policy and all schemes involving expenditure over a fixed limit and the annual reports on the working of the departments should be laid before such bodies. The committees would record their opinions on the proposals made to them and the Government would take these into consideration before deciding the question in issue. If the committee is not satisfied with the action taken on its recommendation, it would be open to some member of it to move a resolution in the Council; and if a member of the committee supported a departmental proposal in committee, he might support it also in case of discussion in the Legislative Council. Such committees might, the Government of India think, be set up not merely for finance, but for other important branches of the provincial

(Working of the Bombay Legislative Council under the Reforms)

administration such as education, public works, local self-government, medical and sanitation, agriculture and police. They contemplate that they should be predominantly non-official in character and that the non-official element in them should be elected by the Legislative Council."

In their reply the local Government stated that the Government of Bombay were of opinion that Standing Committees elected by the Legislative Council should be set up. The functions of the committees would be advisory and their own proceedings would be regulated generally in accordance with the proposals contained in the Government of India's letter. The committees would sit in private and their proceedings would be confidential. No Standing Committees have, however, been appointed in this Presidency. The question was considered by the Government of Bombay in 1921 on receipt of a communication from the Government of India and the Government of India were informed in letter No. 12, dated 3rd January 1922, that it had been decided to await further experience of the working of the new Legislative Council before making appointments of Council Secretaries and Standing Committees in this Presidency. The question was also brought before the Legislative Council at its October session of 1927 on a motion by Mr. R. G. Pradhan, but it was lost.

As regards Council Secretaries, section 52 (4) of the Government of India Act provides that the Governor of a Governor's province may, at his discretion, appoint from among the non-official members of the local Legislature, Council Secretaries, who shall hold office during his pleasure, and discharge such duties in assisting members of the Executive Council and Ministers as he may assign to them. There shall be paid to Council Secretaries so appointed such salary as may be provided by vote of the Legislative Council. A Council Secretary shall cease to hold office if he ceases for more than six months to be a member of the Legislative Council. No Council Secretaries have been appointed from the non-official members of the Legislative Council. The question was considered by the Government of Bombay in 1921 on receipt of a communication from the Government of India, and the Government of India were informed that it had been decided to await further experience of the working of the new Legislative Council before appointing Council Secretaries. The question was again considered in 1923 when also it was decided that the arrangement then existing should be continued. The matter was also brought before the Bombay Legislative Council at its October session of 1927 on a motion by Mr. R. G. Pradhan. The question was put to the vote of the Council but was lost.

Working of the Bombay Legislative Council under the Reforms.

422. The first and second reformed Legislative Councils consisted

of 111 members who had permanent seats in the
 NUMBER OF SEATS. Legislative Council. This number was made up of
 4 *ex-officio* members, 86 elected members and 21 members nominated by
 the Governor. The number of nominated members in the third Council
 was increased to 24 raising the total strength of the Council to 114

(Working of the Bombay Legislative Council under the Reforms)

members, no change having been made in the number of *ex-officio* and elected members. In addition, under section 72A (2), proviso (b) of the Government of India Act, not more than two persons may be nominated by the Governor for the purpose of any Bill introduced or proposed to be introduced in the Council, such persons being persons having special knowledge or experience of the subject matter of the Bill. Members so nominated have, in relation to the Bill and for the period for which they are nominated, all the rights of the members of the Council. During the period under review 13 nominations under this section were made by the Governor.

423. In the first Legislative Council there was really nothing resembling a party system. There was a marked permanent division of Government officials on the one hand with a few non-official members who supported them and on the other side the main body of the House. Among the latter there were a few faint indications of permanent lines of cleavage, apart from the purely communal lines which were distinct enough. There were signs of cleavage between the urban and industrial interests which mostly centred in Bombay and the agricultural interests in the mofussil. On questions of taxation and in expenditure the Council would be united in its desire for retrenchment, but below this could be discerned a certain amount of jealousy and divergence of financial interests. Rural members who saw the wealth of the manufacturing classes and the vast expenditure upon the improvement and development of Bombay were anxious that no burden of additional taxation should fall upon the mofussil. It was also noticeable that the Bombay representatives who recognised that their numerical inferiority placed them at the mercy of the rural members continually deprecated the tendency of the latter to draw distinctions between the City of Bombay and the Presidency as a whole. But the difference in interests was there and it was recognised although it did not result in the division of the House into openly antagonistic parties.

Another group which traversed the communal lines of cleavage consisted mainly of pleaders and included Gujeratis, Brahmins from the Deccan and Sindhi Hindus. Theirs was the old moderate programme of retrenchment and progressive self-government, trial by jury, Indianisation of the Services, separation of the Judicial and Executive, etc. The party, however, did little towards the formulation of a constructive programme.

The other groups and parties in the Council were, as stated above, all more or less communal. The non-Brahmins of the Deccan and Karnatak were unified by their dislike of the Brahmins; the Sindhi Muhammadan members, most of whom did not understand any language but their own, formed a group apart and nearly always voted as one man. Neither of these groups had any constructive policy of their own. Nor were there any prominent party leaders. There was a knot of constant speakers rather than leaders. Among these, the most outstanding figure was that of Rao Bahadur Chitale, a moderate but fearless critic of

(Working of the Bombay Legislative Council under the Reforms)

Government. His speeches made it clear that his experience in local board and municipal affairs had given him a parliamentary sense lacking in most of the other members. If there was any other member of whom one might say the like, it was Dewan Bahadur Godbole, a retired officer of the Public Works Department. His opinion carried weight in matters on which he was believed to be an expert. Messrs. B. V. Jadhav and P. R. Chikodi had some influence with the Maratha and Lingayat groups of which they were representatives, and Mr. S. N. Bhutto amongst the Sindhi members. Mr. Kanji Dwarkadas, a nominated representative of Labour, had no actual following, but his youthful enthusiasm and sincerity commanded respect and his eager personal canvassing of his own views procured him a certain amount of influence. When all is said, however, the fact remains that there were neither parties nor party leaders with a fixed policy and effective control in the first Council. The second Council showed signs of much more definite grouping on party lines than did the old House. The Swaraj party was a well-organised body, voting solidly together on practically every question. The non-Brahmins also were more unified probably as the result of their having a non-Brahmin Minister. The Swarajists were the only non-official party in the House united by bonds other than communal. They had a recognised leader, a definite programme, organisation, and discipline. The party was the strongest in the second Council though it did not command a majority. It professed not to co-operate with Government, but in fact it considerably relaxed the rigour of this policy, inasmuch as several of the members of the party consented to serve and did serve on committees. The remainder of the House was divided into smaller groups or parties. These were the Muhammadans of Sind, the Muhammadans of the Presidency proper, and the non-Brahmins. Their organisation, however, was rather imperfect. They formed the groups from which the three Ministers were appointed. They were of about equal size and, taken together, commanded about as many votes as the Swarajists and their supporters.

The second Council was divided roughly into three equal portions—the Government party, the Swarajist opposition, and the remainder comprising the Ministerial groups and a few Independents. As the first two groups were opposed in practically every division they more or less neutralised one another and the decision generally lay with the Ministerial groups.

Of party leaders the most notable and outstanding figure in the House was Mr. M. R. Jayakar, leader of the Swaraj party. He found it difficult at times to reach that standard which his followers appeared to deem necessary in order to advance the Swarajist cause. This together with certain extraneous incidents, resulted in his resigning his seat in the Legislative Council in 1925, and with it the party organisation and the discipline of the Swaraj party deteriorated rapidly. Mr. L. B. Bhopatkar who had till then been the Secretary and chief whip of the party became the nominal leader of the Swarajists, but as a matter of fact he did not take his place on the front opposition benches

(Working of the Bombay Legislative Council under the Reforms)

but sat in an inconspicuous place in the back benches and failed to exercise any close control and discipline over the party as a whole.

The elections to the third reformed Council were more keenly contested than those to the two previous Councils, and as a natural consequence resulted in greater party formations and organisations. The newly elected and re-elected members showed themselves fully alive to the situation and there took place from the outset a good deal of manœuvring and counter-manœuvring, grouping and regrouping which resulted in a split of the non-Brahmin group into two or more sections and in the formation first of a "Bombay Council Nationalist Party" and later of another party—"The Bombay Council United Nationalist Party." The former party included chiefly the Gujarati members of the Council including seven Independents with 10 Swarajists as "Associate" members, totalling in all about 21 or 22. The latter party was composed mostly of Deccani members and totalled in all 16. It will thus be seen that the Hindu members, barring the non-Brahmins generally, divided and sub-divided themselves first according to communities and secondly territorially with an almost identical programme if the Swaraj Party (differing only on the degree of opposition to be offered to Government) is excluded; the former proposing to oppose all proposals of fresh taxation, the latter only "unjust" proposals. The strength of the non-Brahmins as a separate party in the third Council was 11. The Sind Muhammadans and the Presidency Muhammadans formed the remaining two groups.

This was the position of parties in the third Council till the third Session of 1927. In that session the debates on the Bombay University Bill brought home to the "Bombay Council Nationalist Party" and the "Bombay Council United Nationalist Party" the necessity of standing by each other in support of their representatives in the Ministry. They therefore formed a joint party under the name of "the Coalition Nationalist Party" with the ostensible object of combating communal aggressiveness in the Council. The party started with a membership of about 30. In answer to questions put at the first session of 1928, the Honourable Dewan Bahadur Harilal Desai and the Honourable Mr. G. B. Pradhan stated that they were Associate members of the Coalition Nationalist party entitled to its support generally. Another party that came into being about the same time as the Coalition Nationalist party was the "Bombay Council Labour party" with Mr. F. J. Ginwalla as the leader, Mr. S. K. Bole as Deputy leader, Mr. N. A. Bechar as Whip and Mr. S. C. Joshi and Syed Munavar as Secretaries. The party, it is believed, numbers about 10 and its aim and objects are the advancement of labour and the uplift of the backward and depressed classes. The non-Brahmins who at the commencement of the third Council had been divided among themselves soon made up their differences and continued to function as a party under the leadership of Mr. B. V. Jadhav. The Muhammadans of Sind almost simultaneously with the formation of the Coalition Nationalist party took within their fold the Presidency Muhammadans, making up a compact Muhammadan party with Khan

(Working of the Bombay Legislative Council under the Reforms)

Bahadur S. N. Bhutto as their leader and Moulvi Raffiuddin Ahmed as Deputy leader.

424. In the first council there were no regular parties in the House, nor any leaders who could count upon a following. The Ministers themselves were without parties upon whose support they could rely. The attitude of the non-officials towards the Ministers was one of discriminate opposition but it was not necessarily hostile because critical. A typical illustration of this opposition is afforded by the debates on the Entertainments Duty Bill. The Bill was originally rejected by the Council on account of its dissatisfaction at the rate of Government expenditure and of its desire to enforce retrenchment. When the expenditure had been cut down a second Bill for the same purpose was opposed, but the opposition melted away on the understanding that the revenue to be raised was required for meeting the fresh expenditure involved by the provisions of the compulsory Primary Education Act. In the second Council the position was more difficult as the Swarajists who were then powerful and organized were pledged to a policy of non-co-operation. The position, however, changed almost completely in the third Council. The Ministers selected by the Governor were the Honourable Sir Ghulam Hussain Hidayatallah representing Sind and the Muhammadan parties, the Honourable Dr. R. P. Paranjpye, and on his resignation the Honourable Mr. G. B. Pradhan of the United Nationalist Party and the Honourable Dewan Bahadur Harilal Desai of the Bombay Council Nationalist Party. Although the Ministers had thus a regular following, they were for a time placed in the position of not being always certain of the votes of the members of their party. Thus in the first Finance Bill considered by the new Council the two Hindu Ministers found themselves the only members of their parties voting with the "Ayes" on the first reading. All the three Ministers found themselves similarly placed on the division on the motion of Sir Joseph Kay for a cut of Rs. 20,27,000 in the grant for the Back Bay Reclamation scheme. The debates on the Bombay University Bill, however, brought about, as stated before, the fusion of the two parties supporting the Hindu Ministers, ostensibly with the object of combating communal aggressiveness, but really for the purpose of supporting the Hindu Ministers, and succeeded effectively throughout the discussion of the Bombay University Bill in defeating the joint efforts of the non-Brahmins and the Muhammadans to make certain changes in the bill to which the Minister was opposed. Thus in the third Council the non-Brahmins, who in the second Council had held the balance of power between the parties, lost their position. The two Ministerial parties subsequently united to support the Ministers and with the assistance of the Government *bloc* made the position of the Ministers secure for the time being.

In connection with the position of the Ministers in the Bombay Legislative Council, it may be noted that in reply to a question it was stated that the principle of joint responsibility in the administration of

(Working of the Bombay Legislative Council under the Reforms)

the transferred departments had not been accepted by the Ministers in Bombay and this was explained by stating that as there was no single group in any of the three Councils which commanded a majority in the House, the Ministers could not be selected from any such single group so as to ensure the acceptance of the principle of joint responsibility. It was also pointed out, however, that the non-acceptance of the principle of joint responsibility did not prevent the Ministers from consulting each other.

425. In securing the necessary support of the Council as a whole towards the proposals and policy of the Ministers the official *bloc* was an important factor. The importance of the official *bloc* in matters relating to the transferred departments was not seen in the first year of the first Council. In that year there were three divisions on transferred subjects in two of which Government were defeated; and in the third Government would have succeeded even without the official *bloc*. In the next year of the seventeen divisions on transferred subjects, Government were defeated in four and were successful in thirteen, in four of which they would have been defeated but for the official *bloc*. In 1923 there were only four divisions on transferred subjects. Government were neutral in one, defeated in one and successful in two, one of which would have been a defeat but for the vote of the officials. The next year 1924 the Swarajists entered the Council. Of the nineteen divisions that took place that year on transferred subjects, Government were defeated in ten, and were successful in nine; but if the officials had not voted one of these nine divisions would have resulted in a tie and four more defeats would have been sustained by Government. In 1925 there were as many as thirty divisions on transferred subjects, but Government were defeated in none, being neutral in one and successful in the remaining twenty-nine. Of these twenty-nine only eighteen were clear successes while eleven were obtained with the aid of the official *bloc*. In 1926 there were only three divisions on transferred subjects in all of which Government were successful. One of these divisions would have resulted in a tie and another in a Government defeat but for the presence of the official *bloc*. Last year there were twenty-six divisions on transferred subjects. Government were defeated in three and were successful in twenty-three, but would have sustained seven more defeats but for the votes of the official members. In the first session of 1928 there were two divisions on transferred subjects. Government were defeated in 1. Appendix C indicates the subject matter of the various divisions that have taken place on transferred subjects showing what the effect would have been if the official *bloc* had not voted. It may be noted in this connection that the officials are seldom left free to vote as they please. Even in matters which do not involve any big questions of policy if the member by whom the matter is brought before the House is a member of the Government the official members are expected to support him as one man. Appendix D shows these results in a tabular form.

(Working of the Bombay Legislative Council under the Reforms)

426. No no-confidence motion as such was debated in the first Legislative Council although notices of such motions were sent in. In the second Council Mr. R. G. Pradhan had sent a notice of a motion of no-confidence in the Excise Minister on account of the advice which he was presumed to have given to His Excellency in respect of Mr. Pradhan's Prohibition Bill. In the third Council the same honourable member and also Mr. J. C. Swaminarayan sent notices of motions of no-confidence in the Minister for Education on account of his policy in respect of the Bombay University Bill. But as stated above none of these motions came up before the Council for actual discussion.

Censure motions have, however, frequently been tabled on budget demands. There appears to have been a considerable misunderstanding as to the correctness of tabling these censure motions. It was not an infrequent thing for a member who had given notice of a nominal one-rupee cut to start the speech in support of his motion by saying that it was not intended to be a vote of censure on the Minister concerned. The point has frequently been brought to the notice of members that this is wrong in procedure and that if they desire to raise a discussion on the policy of the Minister they should do so only on a motion for a large cut and not on one for a one-rupee cut. The only motion moved as a deliberate censure of a Minister was that moved on the demand for education in the very first session of the second Council. It was lost after considerable discussion. It was however directed chiefly against the ex-Minister for Education, Dr. Paranjpye, and had very little to do with the then Minister, Mr. Jadhav. It was supported as a condemnation of the educational policy of Government during the three preceding years, the then Minister being brought in only because of the continuance of that policy as evidenced by the budget under discussion.

427. The Chief Secretary as chief whip is responsible for the official vote and a few Government officials act under him as whips during the session and keep in touch with members from the parts of the Presidency with which they are acquainted.

As regards the non-officials, in the first Council as there was no organised party, there were no party whips. A good deal of lobbying work was done by certain individual members but this was not organised. Consultation among communal groups as to the concerted attitude to be taken on particular measures was common enough. The Sindhi Muhammadan members invariably held such consultations on each day of the session. Conferences between Government and some official members were also frequently held. The nearest approach to any non-official whip was the passing from member to member of notes during debates of importance.

In the second Council as already indicated there was a more definite growth of parties and of party organisation and party discipline. Rooms

(Working of the Bombay Legislative Council under the Reforms)

for the holding of party meetings were, at the request of the parties, assigned to them. The Swaraj party, however, was the only party with any definite organisation and discipline. It had its leader, deputy leader, secretary, chief whip and assistant whips. The non-Brahmin and Muhammadan parties were less well organised and it is not known whether they had any recognised whips to organise their proceedings and vote in Council. At the most on debates of great importance there was a hurried consultation with the Ministers representing them.

In the third Council, however, party organisation and discipline showed signs of reaching a much higher mark. The Coalition Nationalist Party has a chairman, a leader in the House, a general secretary, joint secretaries, representatives from the various divisions of the Presidency and whips. Similarly the Bombay Council Labour party has a leader, deputy leader, and secretaries. The non-Brahmin party too had elected a definite leader as also the Muhammadan party in the Council.

428. Since the inauguration of the reformed Councils there have been in all 22 sessions of which 10 were of the first Council, 8 of the second Council and 4 up to now of the third Council. The Council met in all for 355 working days of which 88 days were devoted to non-official business, the remainder being days of official business. Outstanding Government business has been taken up on days devoted to non-official business, the time thus spent being made up by sitting longer hours. Appendix E shows the commencement and conclusion of each session, the total number of days in each session, the number of days allotted for non-official business and the number of days actually devoted to such non-official business.

429. During the whole period, 173 Bills have been published under either Rule 18 or Rule 20 of the Bombay Legislative Council Rules. Of these 121 were Government Bills and the remaining were non-official Bills. With the exception of one which was published under Rule 18, all non-official bills were published under Rule 20 of the Bombay Legislative Council Rules. Of the Government Bills published, 87 related to the reserved departments and 34 to the transferred departments. In addition to the Government Bills published under Rule 18, it is of interest to note that for the first time notice of a motion for leave to introduce a Government Bill was entered in the agenda for the first session of 1928. Ten Government Bills which were published under Rule 18 were not introduced in the Council. Introduction was a mere formality taken immediately before the first reading was asked for. Of 100 non-official Bills of which notice had been given and which were duly entered on the agenda of the Council, only 52 obtained the leave of the Council for introduction and were duly introduced; the rest either did not obtain such leave or were not moved at all by the member in charge. Of the 163 Bills—Government and non-official—introduced in Council 20 were withdrawn and 17 were rejected by the Legislative Council and 98 were passed.

(Working of the Bombay Legislative Council under the Reforms)

430. The period under review afforded the Legislative Council opportunities of discussing 8 budgets involving a total expenditure of nearly 197 crores.

BUDGETS AND SUPPLEMENTARY DEMANDS. By motions for reduction or omission of budget grants cuts to the extent of about 78 lakhs were effected by the Council. During the same period 383 Supplementary demands were made. Of these, one was ruled out of order by the President, three were not moved, three were reduced and passed, four were rejected and the remaining 372 were passed.

431. 17,714 questions were dealt with during the period under review.

QUESTIONS. Of these, 1463 were disallowed (including 5 disallowed by His Excellency the Governor) while the remaining 16,251 were admitted. Distributed over the various sessions the figures are as follows :

Sessions	Total number received	Number disallowed	Remarks
February 1921	470	*49	* 1 question referred to the Governor for orders and finally disallowed by the President.
July 1921	738	178	
September 1921	648	121	
February 1922	1,024	248	
July 1922	573	161	
September 1922	595	112†	† Includes one disallowed by the Governor.
February 1923	639	188‡	‡ Includes 2 disallowed by the Governor.
July 1923	434	22	
February 1924	648	23	
July 1924	980	90§	§ Includes one disallowed by the Governor.
October 1924	1,364	56	
February 1925	844	38	
July 1925	1,379	18	
October 1925	699	26	
February 1926	1,204	32	
July 1926	778	29	
February 1927	1,002	35||	|| Includes one disallowed by the Governor.
July 1927	1,376	39	
October 1927	1,124	13	
February 1928	1,200	50	

432. During the period notices of 3582 non-official resolutions were sent in. Of these, 193 were disallowed by the President and 92 more were disallowed by the

RESOLUTIONS.

(Working of the Bombay Legislative Council under the Reforms)

Governor under Rule 22 of the Bombay Legislative Council Rules, while the remaining 3297 were admitted by the President. The following statement shows the total number of resolutions received, the number disallowed by the President and by the Governor, the number of resolutions moved in Council, but withdrawn on Government assurances and the number carried in Council on division.

Sessions	Total number received	Number disallowed		Number actually moved in Council	Number withdrawn on Government assurances	Number carried on division
		By the President	By the Governor			
February 1921 ..	143	6	13	18	2	1
July 1921 ..	151	21	13	11	2	....
September 1921 ..	103	22	9	9	....	....
February 1922 ..	111	26	8	2	....	....
July 1922 ..	70	17	6	6	3	1
September-December 1922	64	9	7	11	4	....
February 1923 ..	60	10	7	7	2	1
July 1923 ..	89	39*	..	12	2	3
February 1924 ..	121	11	4	14	....	4
July 1924 ..	157	6	6	11	1	2
October 1924 ..	200	4	1	6	1	2
February 1925 ..	157	..	1	3	2	....
July 1925 ..	188	..	2	24	8	....
October 1925 ..	185	..	..	25	6	....
February 1926 ..	270	3	..	7	3	....
July 1926 ..	227	3	10	3	....	....
February 1927 ..	228	3	1	1	....	1
July 1927 ..	345	4	2	2	....	....
October 1927 ..	377	5	2	3	....	....
February 1928 ..	336	4	..	1	....	....

Out of the 176 resolutions discussed in Council 2 were ruled out of order, 56 were withdrawn, consideration of 6 was postponed to the succeeding session, 1 was talked out, 38 were lost and 73 were carried including 15 carried on division against Government opposition.

433. Thirty-six notices of motions to amend Standing Orders were sent in. There were 11 motions to amend Standing Orders in 1921, 3 in 1922, 1 in 1923, 8 in 1924, 5 in 1925, 1 in 1926, 3 in 1927 and 4 in 1928. None of the motions to amend Standing Orders was disallowed by the President. Of the motions of which notice was given 4 were not moved at all, 5 did not obtain the necessary leave of the Council for discussion, while the remaining 27 obtained the leave of the Council

MOTIONS TO AMEND
STANDING ORDERS.

* Most of these were time-barred and therefore disallowed.

(Working of the Bombay Legislative Council under the Reforms)

for discussion and were referred to select committees. The tendency of non-official motions was generally to amend the standing orders of the Legislative Council so as to secure relaxation of the existing provisions in favour of non-official business.

434. Notices were sent in of four motions for presenting addresses to the Governor under Standing Order XII (6) of the Standing Orders of the Bombay Legislative Council. All of these were moved in Council. The first was moved in the fourth session of 1921; but was ruled out of order after considerable discussion. Two others were moved in the second session of 1927 but for want of time were postponed to the next session at which they were discussed and rejected by the House. The last was at the first session of 1928 where after considerable discussion it was withdrawn by the mover.

435. Notices were sent in of 43 Government motions and resolutions all of which were admitted by the President. Of these two were not moved at all, although in the case of one of these, action was taken in the Council as if it had been moved and carried, and of the remaining 41, one was ruled out of order by the President on a point of order; one was left undecided after discussion; one was adjourned *sine die* by the President; three were moved and discussed and treated as carried though not put to the vote, and 35 were carried. None was rejected by the Council.

436. In all, notices of 34 adjournment motions were given by members. Of these 13 either did not obtain the previous consent of the President or were ruled out of order. Notices of 4 were withdrawn, and the Council refused leave in the case of 2 while the remaining 15 obtained the necessary consent of the President and were duly moved in Council. Of these, 3 were disallowed by the Governor, 4 were withdrawn or not pressed; 2 were talked out; 2 were lost and 4 were carried. A statement giving a list of such adjournment motions and indicating what happened to each is attached (*vide* Appendix F).

437. The following were the finance Bills that were considered by the Legislative Council in the first Council :—

Bill No. III of 1922 to impose a duty in respect of admission to entertainments.

Bill No. V of 1922 further to amend the Indian Stamp Act, 1899.

Bill No. VI of 1922 to amend the Court Fees Act, 1870, and the Presidency Small Cause Courts Act, 1882.

Bill No. XX of 1922 to impose a duty in respect of admission to entertainments.

(Working of the Bombay Legislative Council under the Reforms)

In the second Council the following finance Bills were considered :—

Bill No. IX of 1924 to amend the Court Fees (Bombay Amendment) Act, 1922.

Bill No. II of 1925 further to amend the Indian Stamp Act, 1899, in its application to the Presidency of Bombay.

Bill No. III of 1925 further to amend the Court Fees Act, 1870.

Bill No. XIII of 1925 to impose a tax on totalisator betting.

Bill No. I of 1926 to amend the Indian Stamp (Bombay Amendment) Act, 1922.

Bill No. III of 1926 further to amend the Court Fees Act, 1870.

Bill No. VI of 1926 further to amend the Indian Stamp Act, 1899 in its application to the Presidency of Bombay.

In the third Council the finance Bills considered were :—

Bill No. V of 1927 further to amend the Indian Stamp (Bombay Amendment) Act, 1922.

Bill No. II of 1928 further to amend the Indian Stamp (Bombay Amendment) Act, 1926.

Bill No. III of 1928 to amend the Court Fees (Bombay Amendment) Act, 1926.

It will be noticed that these finance bills took the shape of two (one being a repetition of the other) Bills for taxes on entertainments ; one for a tax on totalisator betting, five for increase of court fees, six for increase of stamp duties including one which was really a tax on the transfer of property. The Court Fees and Stamp Acts (Amendment) Bills passed in the later Councils were intended merely to extend the period of the Acts already passed which were enacted to continue in operation for a specified period only. Speaking generally, the attitude of the Council in respect of finance Bills has been based on a desire to avoid any increase of existing taxation or any imposition of new taxation. The rejection of the first Bill seeking to impose a duty on entertainments was due to a desire on the part of the Council to force Government to retrench their expenditure because they were dissatisfied with the rate of Government expenditure. When the expenditure had been cut down, the second Bill was passed with little opposition on the understanding that the revenue to be raised was required for meeting the fresh expenditure involved in the provision of compulsory education under the Primary Education Act. In 1924, however, the taxation Bill (Court Fees) brought in by Government was lost at the first reading. In 1925 one taxation Bill (Stamp Duty) was lost at the first reading and the other was withdrawn by Government in view of the feeling of the Council in the matter ; and in 1926 two taxation Bills were passed after considerable opposition. In 1927 one taxation Bill (Stamp Bill) was passed by a narrow majority, some of the nominated non-official members even voting against the measure. Another noticeable trait of the Council in dealing with finance Bills was a persistent endeavour on its part to force

(Working of the Bombay Legislative Council under the Reforms)

Government to earmark the proceeds of particular taxation for a specific purpose—generally education. Amendments to this effect were brought to almost every taxation Bill introduced by Government including the Entertainments Duty Bill and the Totalisator Betting Tax Bill.

438. In dealing with the budget the most outstanding feature is a marked tendency of the Legislative Council to enquire perhaps too closely into the details of the Executive Government. The debates show that this attitude is partly due to the feeling that one-half of the Government is not responsible to the Council and therefore may be guilty of extravagance or arbitrary actions. Another tendency especially at the beginning of each Council is to reject items of expenditure merely because they were not understood. Most of the motions for reductions based on this tendency were withdrawn after full explanation was given. At every discussion on demands for grants hundreds of motions for reduction or omission are sent in by the members of Council when it is very well known that not even one-tenth of the cuts could be discussed within the allotted time. In this respect the Council may be said not to know how to concentrate on essentials and to leave small details alone. A glance at the Council proceedings will show that not even half the number of grants are properly discussed and that Government have had to change every year the order in which grants are submitted to the Council in order that discussion may be directed to different parts of the administration in each year of the lifetime of the Council. The number of grants that are passed by guillotine on the last day for the voting of grants is an index to the way in which the Council deals with the budget in this respect. As a result, important issues of policy sometimes remain undiscussed because the Council has spent its time in discussing cuts on minor grants. It may, however, be noted that in the budget session of 1928, when towards the close of the period allotted for demands for grants it became evident that the subject of land revenue administration in respect of which the House desired to come to a decision regarding the enhancement of assessment in the Bardoli taluka could not ordinarily be reached, a common understanding was arrived at by which member after member desisted from moving motions for reduction or omission of budget grants of which he had given notice, only with a view to enable the House to go to a vote upon the question of the Bardoli land revenue assessment. The last two Presidents have, however, discouraged the tendency to detailed and petty interference in minor items which, as stated above, was very markedly in evidence and they have frequently reminded members that they can use a motion to reduce a particular grant as a means of raising a general debate on grievances felt against the Department for which the grant is intended. The lesson has been fairly well learnt now and this course is frequently followed. Another point in the attitude of the Council in respect of the budget is its consistent belief that the nation-building departments are being starved to the advantage of purely administrative departments.

(Working of the Bombay Legislative Council under the Reforms)

Thus the Council is ready to sanction grants for education, medical administration, sanitation, etc., but is less willing to grant provision for general administration. Apart from this inclination to attack provisions made for the reserved half of Government the Council has shown a genuine desire to enforce economy and most of the cuts which have been carried may be said to have been due to a desire to prevent what appeared to the members to be extravagance. It is noteworthy that in the course of eight years none of the grants omitted or reduced by the Council has been restored by the Governor.

The action of the Legislative Council in one case deserves particular consideration because it raised a constitutional issue. In the budget session of 1924 the grant for the establishment of the Director of Information was rejected but it was voted by the Council when put before it again in the July session as a supplementary demand. The Council has always been disposed to resent the restriction against reducing non-votable items such as salaries of officers appointed by the Secretary of State by proposing reductions in or rejection of the budget provision for the pay of their establishments which were votable. The late Sir Narayan Chandavarkar, the first President, had ruled that this was out of order. This ruling, however, was reversed during the budget session of 1924 by Sir Ibrahim Rahimtullah, the then President, on a discussion with regard to the proposed deletion of the amount provided for establishments for non-votable appointments under the head "35-Industries" the salary of the Director, an I.C.S. officer, being non-votable. This ruling in the wide form in which it has been given renders it possible for the appointment of officers whose salaries are non-votable to be made nugatory by motions for omissions of their establishments which it would not be possible to restore by certification except in emergency in the case of the transferred departments. On the whole, however, and having regard to the fact that since the introduction of the Reforms there has not been a single case of certification of grants by the Governor, it may be said that the attitude of the Council in the matter of voting expenditure has been reasonable one.

439. Supplementary demands are made when the amount of any grant
SUPPLEMENTARY voted in the budget is found insufficient or when a need
DEMANDS. arises during the current year for expenditure upon some
 new service not contemplated in the budget for that year for which the vote of the Council is necessary. In 1924 an additional rule on this subject was incorporated in the Bombay Legislative Council Rules providing that an estimate might be presented to the Council for an additional or supplementary grant in respect of any demand to which the Council has previously refused its assent or the amount of which the Council has reduced either by a rejection of the whole grant or by the omission or reduction of any of the items of expenditure of which the grant is composed. Under the Rules supplementary grants are to be dealt with in the same way as if they were demands for grants.

(Working of the Bombay Legislative Council under the Reforms)

440. The Meston Settlement in its effect on the Bombay Presidency has largely influenced the transaction of all financial business in the Legislative Council. The whole Council including Government have always strongly felt that this province has been unfairly treated by the Meston Settlement. The attitude of the Legislative Council towards proposals for taxation has been to a very great extent coloured by this feeling. Whenever a new taxation bill has been introduced the Council has expressed its fear that it might be construed by the Government of India as showing the satisfaction of the Bombay Council with the Meston Settlement. At every budget discussion the Council has impressed upon Government the necessity of getting as much money as could be got from the Government of India by way of modification of the Meston Settlement. Every measure of taxation has been opposed in the Council on the ground that it would give the Government of India a wrong idea of the true financial position of this province. The Council has therefore been very chary in passing such proposals. Because of this feeling also the Council has not given permanency to any of the new taxation, the idea being that these measures were passed temporarily in order to tide over the present difficulties till the Government could get the Meston Settlement altered in favour of Bombay. When the Bill to increase the stamp duties was considered in the Council last year, it was passed without much discussion after it was pointed out that the increase in the stamp duties would strengthen the position of Bombay in negotiating with the Government of India as regards the modification of the Meston Settlement. The Council has shown great solicitude in its desire to see that this province gets better treatment in any financial settlement from the Government of India. In this connection attention may be drawn to the adjournment motion moved in March 1925 by a member to call attention to the financial proposals of the Finance Member of the Government of India at the time of the presentation of the central budget for 1925-26—proposals which did not give any relief to this presidency by way even of a partial remission of the provincial contribution. The unanimous passing of the motion for adjournment on this occasion shows exactly how the Council felt on this question. In pursuance of the desires and views given expression to during the discussion of this adjournment motion the Council in 1925 authorised Government to send a representation on its behalf to the Government of India as regards the Meston Settlement. Apart from this, at almost every session of the Council there have been several questions and resolutions about the revision of the Meston Settlement.

441. The control exercised by the Council over provincial finance has been very considerable and it has progressively learnt how wide its powers in this matter are. Its control over financial proposals in the shape of finance Bills has been great. It effectively compelled retrenchment in 1922 by throwing out the Entertainments Tax Bill and by threatening to reject the Stamp Bill if its demand for retrenchment was not substantially met,

CONTROL EXERCISED
OVER GOVERNMENT
EXPENDITURE.

(Working of the Bombay Legislative Council under the Reforms)

with the result that Government were compelled to retrench to the extent of Rs. 60 lakhs. In 1925, it threw out for the same reasons another finance Bill and adopted an attitude which compelled Government to withdraw the second finance Bill which was on the agenda for that session. The Council also exercises its control by way of reductions and omissions of budget grants, again compelling Government to find ways and means for retrenchment to the extent of the cuts effected. Further, it has extended its power of controlling expenditure in respect of non-voted items by attacking the voted establishments attached to such items. In 1926 an attempt was made to discuss, by the moving of an adjournment motion, the Government of India *communiqué* regarding the report of the Currency Commission on the ground that it affected very seriously the agricultural, industrial and capitalist interests of this Presidency. The motion was admitted by the President but was disallowed by the Governor under Rule 22 of the Legislative Council Rules. The only instance of a proposal involving increased expenditure was the Prohibition Bill of Mr. R. G. Pradhan. This bill was not introduced as it did not receive the previous sanction of the Governor required by section 80-C of the Government of India Act. During budget discussions, however, there have been constant representations made by the non-officials that increased expenditure should be provided for the transferred departments.

442. The mainspring of the Legislative Council's actions in all financial business has been the desire to avoid responsibility for increased or fresh taxation and to enforce economy. But where the necessity for fresh taxation has been plainly established the Council has faced it, as for instance in the several increases in Court Fees and Stamp duties by the amendments to the Court Fees and Stamp Acts. Again, when the Council saw that there was an undeniable need it passed an Act to tax totalisator betting and one to increase the duties on the transfer of property. One of the biggest cuts effected by the Council, that of Rs. 33,80,000 in the provision of Rs. 3,21,83,400 made for the Lloyd Barrage and Canal Construction Project in the budget for 1925-26 was made, as appears from the Debates, not with a view to crippling the progress of the project but mainly in order to guard against any extravagance in expenditure and to save interest on the unspent balances of Government monies. Similarly the reduction of Rs. 20,27,000 on the demand for the Bombay Reclamation Scheme was carried by a very large majority in the Council (only four non-officials voting with the minority) as the expression of the overwhelming if not necessarily well-instructed opinion of the Council against further commitments in respect of the Back Bay Reclamation. That the Council took a very keen interest in retrenchment will also be seen from the fact that in the February-March session of 1922 in addition to compelling Government to make a cut of 60 lakhs they forced on Government a Retrenchment Committee consisting mainly of non-official members ; until this was conceded they threw out the provisions

(Working of the Bombay Legislative Council under the Reforms)

for the establishment of the Special Officer appointed to investigate the possibilities of retrenchment.

The manner in which the Council desired retrenchment to be effected appears from the debates to be the outcome of certain beliefs which are not peculiar to the Council but have been promulgated by politicians in the Press and on the Platform, namely, that the nation-building departments are starved to the advantage of purely administrative departments; that the administration is top-heavy; that Europeans are overpaid; that allowances are often unjustifiable sources of profit and that temporary establishments are unnecessarily created. The debates in the more recent years seem to indicate that some of the beliefs mentioned have been modified and that criticism tends to be levelled against the salaries of the better paid Indian officials as well as against the high salaried Europeans. But the old beliefs often reappear and continue to colour the views and perhaps to determine the attitude of the Legislative Council in dealing with financial business.

It is interesting to note that while in the discussion of financial business the policy adumbrated by the Council has been that of economy, questions and resolutions have been tabled dealing with the cases of individuals or of the lower grades of classes of Government servants deliberately suggesting and asking for more pay for them and that a great many resolutions have been such as could not have been given effect to except by the expenditure, sometimes on a large scale of public money.

No instances have occurred in which the Legislative Council has abused the wide powers that it possesses in the matter of financial business. Speaking of the cut of Rs. 60 lakhs effected by the first Council the Governor in his address to the Council said "We (Government) agreed to do what the Council desired because we realised that the spirit which animated the Council was laudable and just in principle and that the solvency and the credit of Government were even more important than any administrative efficiency." What was said in respect of the Rs. 60 lakhs cut might with equal truth be applied to all the retrenchment effected by the Council in subsequent years. The period under review has been a period of admittedly severe financial stringency and Government have admitted on more occasions than one that in dealing with measures of finance and taxation during this difficult period the Legislative Council has been actuated by a sense of responsibility.

443. It is of interest in concluding the consideration of the financial business transacted by the Legislative Council to note
 TOKEN GRANTS. that in the second session of 1925 an attempt was made by Government to obtain the sanction of the Legislative Council to a "token grant". In explanation of the procedure the Government spokesman stated: "I must first explain what a token demand is, because I believe this is the first time that we are being asked to move a token demand by the Finance Department. The position is this: under the rules it is not really necessary to bring this question at all before the House, that is to say, under the financial rules it would have been possible for

(Working of the Bombay Legislative Council under the Reforms)

me to have passed this money which is required...without a reference to this House. It seemed to me and it seemed also to the Finance Department that in a matter of this sort it would hardly be right to proceed without laying the scheme before the House for their criticism. Therefore this device has been invented by the Finance Department so that the matter should be brought before the House and the question practically put to the vote of the House.... If thegrant is rejected then I should understand that it would not be permissible for me to proceed with the re-appropriation proposed. If the grant is passed by the House then I should feel justified and I believe I shall be permitted by the Finance Department to sanction the payment of the necessary sum. The question before the House is whether (the proposal) should be sanctioned." The President, however, raised the question whether the procedure of a token grant was permissible under the Rules and Standing Orders; and after consideration it was decided that pending the general consideration of token grants the demand proposed should be moved in the form of a resolution. The question of the legality of token grants has not again come before the Council.

444. The members of the Legislative Council have availed themselves

QUESTIONS.

freely of the right of asking questions and some members have tabled as many as 200 to 300 questions at a single session. At first the Standing Orders provided that 10 days' notice before the commencement of each session was necessary for questions. But in the third session of 1923, the Standing Orders were amended so as to make it permissible to send in questions up to 10 days before the conclusion of a session. An attempt was made by a member at the first session of 1928 to amend the Standing Orders so as to revert to the old practice but the proposal did not find favour with the Council and did not accordingly obtain the necessary leave of the Council for consideration.

At first questions were admitted or disallowed by the President only after the departments concerned had expressed their opinion on the point. This procedure was found to involve great labour and delay and it was accordingly abandoned. Thereafter the practice has been for the President to exercise his discretion in the first instance and for the various departments to bring to his notice any fact which if known to him might have led to the disallowance of the question. Such facts are taken into consideration by the President who at times on such reconsideration has disallowed questions which he had previously allowed.

The rule that the member who asks a question must make himself responsible for the accuracy of any statement which it contains was difficult of enforcement. It became obvious that certain members merely searched the files of local newspapers for a grievance which they proceeded to incorporate in a question without further enquiry. At first they used to quote the newspaper from which the information was drawn. But the President ruled such questions out of order. They

(Working of the Bombay Legislative Council under the Reforms)

then adopted the practice of sending copies of the cuttings for information but this too was discouraged. In other cases it was impossible for the President to disallow the question as he could not know whether the member had or had not conducted a proper enquiry.

Another rule which was more or less neglected was that a question should not be a suggestion for action. Many members sought to overcome this provision by so drafting a question as to ask whether Government intended to do such and such a thing or whether Government had any objection to doing such and such a thing. As the drafting of questions in this form was such that it might reasonably be held to be an enquiry as to the intention and attitude of Government, it became more and more difficult for the President to disallow such questions, and the proceedings show that such questions were fairly numerous. Against 5,121 questions in the first council, there were 7,891 in the second council and 4,702 in the first four sessions of the third Council. Members have also freely availed themselves of the privilege of asking supplementary questions in the House for the asking of which no previous notice is required under the Standing Orders. Questions have been asked on almost every branch of the administration of Government. Appendix G gives a list of subjects on which questions have been asked, but the main classes into which questions fall are those relating to the Services, those of local interest and miscellaneous. Questions relating to the Services generally dealt with matters of personal interest or grievances of individuals or branches of the Services. A large number of them concerned the Indianisation of the Services, others dealt with the pay, promotion, punishment or prospects of particular classes of Government servants and even of individuals. Some questions relating to the Services had a racial or communal bias and these generally suggested further Indianisation of the Services or specially favourable treatment of Muhammadans, non-Brahmins or the depressed classes in the matter of recruitment, pay or promotion.

Questions of local interest related mainly to grievances and shortcomings under the heads of land revenue, forests and excise especially the location and auctioning of liquor shops—education, local self-government, medical and sanitary. Among questions of local interest some have been useful and have led to the issue of orders remedying the grievances thus brought to notice or have given Government an opportunity of explaining or rebutting allegations made outside the Council. Some of the questions were trivial and had obviously involved an inordinate amount of labour in preparing the answers quite out of proportion to their value. Among miscellaneous questions were a large number, especially in the earlier sessions of the first Council and of the second Council, regarding the treatment of "political prisoners," the reasons moving Government to prosecute agitators or the measures taken to put down disorders. Under the head of miscellaneous questions also must fall the large number of questions relating to Inams and Watans.

In the first Council 1,019 questions were disallowed out of a total of 5,121 received, while in the second Council only 307 questions were

(Working of the Bombay Legislative Council under the Reforms)

disallowed out of 7,891. During the four sessions of the third Council there have been 137 questions disallowed out of 4,702. It may be inferred from these figures that with greater acquaintance with the rules of the Council and its procedure the members have learnt to draft their questions more in conformity with the rules.

The grounds for disallowance of questions by the President have been mostly that the questions are suggestions for action, that they ask for opinion or that they relate to central subjects, for example, railways. In the disallowance of questions, however, the phrase "matters of public concern" was given a liberal interpretation so as to include any matter coming within the control of public department even though it might only concern a single individual; but it was ruled that personal matters were not matters of public concern unless they involved questions of principle or law. During the earlier sessions of the first Council the President invariably explained to the member who asked a question the reasons for which he disallowed it—a course which resulted in the rapid improvement of the form in which questions were put. But subsequently with the greater acquaintance gained by the members of the rules the practice was discontinued.

445. When the reply to a question was available from administrative reports contained in the Council library it was the practice of Government to give the reference to such publication by way of an answer. In some cases the answer took the form of a refusal to supply the information on the ground that the value of the information was incommensurate with the expense or labour involved in its collection. Another ground on which questions were not fully answered was imported from parliamentary precedent and has also a basis of support in the Standing Orders of the Council themselves, namely, that a question must not refer to the subjects administered by more than one Honourable Member or Minister.

Non-official members, however, appear sometimes to have considered the Government's way of answering questions to be unsatisfactory. In the third session of 1923 a member proposed to move an adjournment of the House to discuss the "persistent and unsatisfactory way of answering interpellations." At the same session there was on the agenda a resolution that "This Council recommends to Government that in order to enhance the utility of the Council and the despatch of its work in future answers should be given by them to questions put by members in a more comprehensive, direct and detailed manner than hitherto." During question time it sometimes happened that members protested to the President on the subject of the unsatisfactory nature of the replies of Government and in each case the President has always brought to their notice the constitutional remedy lying in their hands by way of moving an adjournment of the House. It must be added, however, that this step has never in fact been taken.

(Working of the Bombay Legislative Council under the Reforms)

446. Under the Standing Orders, resolutions are mere recommendations to Government. They are not binding on

RESOLUTIONS.

Government but it has become a practice approaching a convention that effect should be given to them as far as possible, and members of the Council have realised their value as a constitutional means of influencing the policy and action of Government. At first the Standing Orders provided for 15 clear days' notice before the commencement of each session, but they were amended so as to provide for supplementary agenda including resolutions received up to 15 days before the end of the session. The original Standing Orders were also amended in 1925 so as to provide that a member could, with the permission of the President, authorise another member to move resolutions standing in his name. The number of resolutions that have been received has been in all 3,582. In the first Council only 791 resolutions were received; in the second Council 1,505, and in the four sessions of the third Council 1,286 have been received. In the first Council the resolutions were more numerous in the earlier than in the later sessions, probably because experience taught the members that there was no time for discussion of a very large number. But the tendency has again changed and from 1924 onwards the number of resolutions received has gone on increasing every session although it has been obvious that very few of them stood any chance of being discussed. As against the average of 100 to 150 in the first year of the Council the average now is nearer 250 to 300 per session. It has become the practice for several members to give notice of the same resolution when it happens to deal with an important subject so that the resolution might be assured of discussion and this also accounts for some portion of the increase in numbers. Resolutions, too, are repeated at successive sessions of the Council and in some instances are similar in effect though differently worded. In this connection it may be noted that a member attempted to get the Standing Orders amended so as to provide for resolutions not discussed at a particular session being carried over to the succeeding session without any fresh notice. The attempt, however, failed for want of the necessary support from the House. Eliminating actual and virtual repetitions, the number of independent and effective resolutions on the agenda paper would be a little under one-third of the total number received. As a rule the same members appear each session, in the list of those who have tabled resolutions some of them sending in between 30 and 40 resolutions each. One member has tabled as many as 50 resolutions at one session. The tabling of resolutions is very often, it is understood, merely a method of advertising, the member being well aware that under no circumstances could he possibly get a chance of moving all the resolutions which he has sent in. Apart from this small group, the majority of members appear to be content to send in but a few resolutions and some members have never sent in any resolutions at all. Appendix H contains a list of important resolutions moved in the Council indicating what eventually happened to each.

(Working of the Bombay Legislative Council under the Reforms)

447. Resolutions are frequently sent in asking for the appointment of committees of official and non-official members of the Council to report on particular matters. Many resolutions deal with forest grievances, land revenue matters—especially revision settlement—agriculture, village officers and Inams, excise matters—especially prohibition—irrigation, roads, tolls, the position of Muhammadans and the backward and depressed classes in the Government services, education and unemployment, the working of the Development Department, cases of suspended municipalities and a number of temporary and local grievances. During the session following the Gujerat floods a large number of resolutions relating to flood relief was tabled. Resolutions have also from time to time been tabled in connection with prisoners convicted for so-called political offences. Several members had during the last few sessions sent in resolutions asking Government to place before the Council a statement showing the action taken by Government on the resolutions passed during each session and this request was complied with and a statement placed on the table in answer to a question at the third session of 1927.

448. Of the 791 resolutions received for the first Council, 150 were disallowed by the President and 63 by the Governor, while of the 1,505 resolutions received for the second Council only 27 were disallowed by the President and 24 by the Governor and of the 1,286 resolutions received in the four sessions of the third Council, 16 have been disallowed by the President and 5 by the Governor. It may be inferred that as members have become better acquainted with the Rules and Standing Orders the number of resolutions which have had to be disallowed has been steadily diminishing.

The usual grounds for disallowance of resolutions have been that they were bad in form in that they raised more than one issue or in substance because they related to a central subject. The grounds of disallowance by the Governor have been those set out in rule 22 of the Bombay Legislative Council Rules, namely, that the matter could not be discussed without prejudice to public interests, or that the subject matter of the resolution was one which was not the immediate concern of the local Government.

On a resolution being moved, it was the practice of Government not to intervene until several members had spoken and the general attitude of the House could be guessed. Where Government agreed partially with the resolution but could not accept it in the form in which it was moved, it staved off a division by promising to enquire into the matter or by preparing an amendment itself or by supporting an acceptable amendment moved by non-officials. In such cases the attitude of the House was generally reasonable and a great number of resolutions has as a result been withdrawn after discussion. A number of resolutions, however, was carried against Government or was carried in a form to which Government

(Working of the Bombay Legislative Council under the Reforms)

were unable to agree. The most important instance was a resolution passed by the first Council calling upon Government to punish a European Police Superintendent for arresting a Parsi doctor, although Government did their best to make it clear that the Superintendent had acted in good faith and without exceeding his powers. Another in the next Council was the resolution moved for the appointment of a committee to consider the question of bringing the powers of revising land revenue assessment under closer regulation by statute. Here Government accepted the proposal for a committee but not the amendment that its members should be elected by the Council and that "no revision work should be proceeded with or any new rates under the revised settlement should be introduced" pending legislation. The resolution with the amendment was, however, carried. Similarly a resolution to withdraw a settlement recently introduced and in force was carried against Government. Other instances were the resolutions on the subject of Tagai loans for the sinking of wells, for the cancellation of a notification dividing the Surat District into three protected areas under section 3 of the Cotton Transport Act and for the total abolition of all alcoholic drinks in 10 (amended to 20) years.

449. There have been 38 amendments to Standing Orders that have

hitherto been carried. Of these the most important
STANDING ORDERS. were those in Part IV relating to motion for adjournment of the House, to the provision that statutory motions made by non-official members shall be treated as Government business, the amendment for making the same provision for adjournment in respect of resolutions as in respect of motions relating to Bills and Standing Orders, the provision that during voting of demands of the annual budget, half an hour only shall be allowed for the answering of questions; in Part VIII giving a special privilege regarding statutory motions which, unlike ordinary resolutions under the Rules and Standing Orders, if carried, are binding on Government; in Part IX requiring that in addition to the other members the Member of Government, and in the case of non-official Bills, the member in charge shall also be members of the Select Committee and in Part XI relating to financial business and to the presentation of the budget. Most of the motions to amend Standing Orders were tabled by non-official members; but Government have also tabled some such motions. The general tendency of non-official amendments

has been towards the relaxation of the Rules
GENERAL TENDENCY
OF AMENDMENTS TO requiring notice of motions and questions; a wish
STANDING ORDERS. to have notices of resolutions and questions carried

over to a new session and to shorten the period laid down under the Standing Orders disallowing the repetition of resolutions raising substantially the same question. One amendment sought to remove the disabilities of members who knew only their own vernaculars by the addition of a paragraph ensuring that Urdu translations of Bills to be introduced, resolutions and budgets should be supplied to those members who did not know English.

(Working of the Bombay Legislative Council under the Reform)

450. Under the Standing Orders of the Legislative Council communications from the Council to the Governor are made through the President by formal address after motion made and carried in the Council. This privilege has been invoked on four occasions. The first address proposed to request the Governor to extend the time allotted to the Council for the discussion of budget demands, but the motion was ruled out of order by the President. The next set of motions for the presentation of addresses to the Governor was in connection with the appointment of standing committees of the Council to be attached to administrative departments and the appointment of Council Secretaries. Both questions were discussed at considerable length by the House but ultimately negatived. The last sought to request His Excellency to exercise his right of allotting different days for the disposal of different classes of business in such a way as to enable non-official business to be taken up between the days assigned for Government business. The motion met with considerable support from non-official members but was ultimately withdrawn by the mover on the assurance that an endeavour would be made to meet the grievances of the non-officials in the budget session.

451. Although there is no specific provision in the Rules and Standing Orders for Government motions, opportunity was taken under the general provisions to bring before the Council for consideration various proposals of Government, sometimes in the shape of Government motions and sometimes in the shape of Government resolutions. Among these may be mentioned motions for appointment of the Finance Committee, of representatives of the Legislative Council upon the various Advisory Committees on railways, etc. These are ordinarily of a more or less formal nature and have not aroused much interest, except among the candidates for places on the committees.

452. A motion for an adjournment of the business of the Council may be made with the consent of the President for the purpose of discussing a definite matter of urgent public importance. There have in all been 34 such motions. Some important subjects have been discussed by means of these motions. The motion for adjournment to discuss the arrest of a member of the Council in the first session of 1923 excited the House to a most remarkable extent and even resulted in the House making use of its financial powers by refusing grants till the matter was satisfactorily explained. Another important motion which was carried dealt with the statement made by Lord Olivier, the then Secretary of State for India on the subject of the attitude of the Swaraj party in particular and of the Bombay Council in general in relation to the Bombay Children Bill. Other important motions were those relating to Bombay's provincial contribution, to the unsatisfactory nature of the majority report of the Reforms Enquiry Committee and to the grave situation

(Working of the Bombay Legislative Council under the Reforms)

in the Bombay cotton trade. The Council has sometimes tried by means of motions for adjournments to go beyond the sphere of subjects which the House is competent to discuss and in such cases His Excellency the Governor has exercised his right of disallowing discussion. Two motions which were so disallowed were those relating to the report of the Currency Commission and to the statement on India made by the Secretary of State in the House of Lords. A question has arisen more than once as to what is an urgent matter within the meaning of the rules. The practice generally followed by the Presidents has been to treat as urgent anything which has happened less than 15 days before the commencement of the session and on which therefore notice of a resolution in the ordinary way could not have been sent.

453. Unlike other provinces, the Presidency of Bombay has been fortunate in that the Local Government has not been compelled to resort to the use of executive as opposed to ordinary judicial action—to make use of such measures as the Seditious Meetings Act or the Criminal Law Amendment Act—with the result that there has been no occasion for such a conflict as might have caused serious apprehensions regarding the attitude of the Legislative Council towards measures taken for the maintenance of law and order. Moreover, there have been no occasions for judging the attitude of the Legislative Council towards legislation affecting law and order. Such material as is available shows that its attitude had not been unreasonable. The prosecutions of the Ali brothers and of Mr. Gandhi were accepted as necessary and proper and the policy of Government in dealing with the picketting movement in connection with prohibition before the riots in Bombay in 1921 was, if not approved by the Council, at least not actively opposed. All the other material that might be considered relevant to a consideration of this subject was in the nature of resolutions relating to political prisoners or prisoners convicted of an offence savouring of political crime, to the recovery of punitive taxes under the Police Acts and to enquiries for statements regarding riots and disturbances.

On the whole the proceedings of the Council show no desire on the part of members to embarrass Government in this respect and the remarks of the Governor when in addressing the first Council he stated that he must cordially acknowledge its steady judgment and the sound political sense shown in its loyal support to Government in the task of restoring order might with equal truth be applied to the second and third Councils.

454. Two of the biggest schemes of the Government of Bombay for the development of the resources of the Presidency that have come under discussion in the Legislative Council are the Lloyd Barrage and Canal Construction Scheme and the Bombay Development Scheme. The Council has also evinced interest in other measures such as

ATTITUDE OF THE
COUNCIL TOWARDS
OTHER IMPORTANT
QUESTIONS:

MEASURES DEALING
WITH LAW AND ORDER
OR PUBLIC SECURITY.

MEASURES DIRECT-
ED TOWARDS DE-
VELOPMENT OF RE-
SOURCES.

(Working of the Bombay Legislative Council under the Reforms)

the development of Irrigation in the Deccan and the consequent development of the sugarcane industry, measures for the development of agriculture, of the co-operative movement, of forests and of the department of industries. The subject of irrigation in the Deccan came before the Council but seldom and that usually in the course of the general discussion of the budget or of the demands for grants. Some questions were also tabled with a view to voicing the grievances of the irrigators of the Deccan and to drawing attention to the general need of greater help to the sugarcane growers.

IRRIGATION IN THE DECCAN.

Special attention under the head of agriculture has been paid to cotton and notifications protecting cotton growing areas by necessitating the taking out of licenses for transfer of cotton from one area to another were from time to time brought before the Council for discussion and approved. The Council generally took the view that these notifications were in the interests of the public in general and of the agriculturists in particular although some non-officials did not take that view.

AGRICULTURE.

Closely allied to the subject of agriculture is the subject of famine. In the second Council of 1924 a member moved a resolution recommending that tagai loans for the sinking of wells should be advanced to cultivators free of interest with a view to avoiding famine conditions. Although Government pointed out in the debates that they had under consideration a proposal which went further than that proposed in the non-official resolution, the Council as a whole passed the non-official resolution by a majority of 48 to 28 votes. In the second session of 1925 the Member of Government in charge of the subject moved a resolution for the appointment of a special officer and staff for the investigation of minor irrigation works and village water supply. The resolution was generally supported and was carried with a slight amendment. At the same session the same member of Government moved a resolution for the appointment of Major Pogson as Water Diviner. It was strongly opposed by the House and after a long discussion was carried by a bare majority of 42 to 41 votes. The subject again came up before the first session of 1926 and a lengthy discussion followed in which Major Pogson's ability was called into question and the appointment of an Indian in his place was urged. The proposals of Government, however, were ultimately carried. The matter came up once again at the second session of 1926 when a Government resolution was moved for the continuance of the appointment of Major Pogson. The resolution was strongly opposed, but was ultimately carried. A non-official resolution in the second session of 1925 was moved for the adoption of steps to relieve the agriculturists of the eastern talukas of the Satara district from the evil effects of famine. On an assurance given by Government that the matter would receive their sympathetic consideration and that everything possible would be done to remove the difficulties, the resolution was withdrawn.

The Department of Industries has been criticised in the Legislative Council on two grounds because of the "top-heavy" expenditure of

(Working of the Bombay Legislative Council under the Reforms)

the department and because of the desire for the appointment of an Indian as the Director of Industries. In the Council debates of March 1923 some criticized the department as being top-heavy. The point was not pursued on the request of the Minister in charge for an opportunity to study the whole question. In 1924 the Council adopted the same attitude and a motion was tabled to omit the total demand under "Industries". After a lengthy discussion the demand was passed at a reduced figure. The debates made it clear that the House was not in favour of retaining a European as Director of Industries. In deference to the wishes of the House an Indian Director was appointed in 1925, and after his retirement an Indian has recently been appointed as Director of Industries. The activities of the Department have been criticised from time to time and there has been a general demand for greater activity in this Department.

The Lloyd Barrage Scheme was brought before a special session of the Legislative Council and was debated at great length for two days and finally sanctioned. Thereafter the Council, and particularly members from Sind, have kept a watchful eye on the handling of the scheme by Government and have taken every opportunity either by discussion on the budget or by questions to bring the matter before the Council.

**LLOYD BARRAGE
AND CANAL CONSTRUCTION.**

The Bombay Development Scheme always occupied a prominent place in the discussions in the Council. At almost every session since 1925, the subject has been brought up for discussion in one form or another and the attitude of the Council became more pronounced when it became known that the scheme was not a financial success. The report of the Committee appointed by the Government of India to inquire into the scheme was published in January 1927 shortly before the budget session of the Council. The Inquiry Committee had recommended that a certain amount of additional reclamation should be made before the operations were closed down for the time being. The Government of Bombay also submitted to the Council two other schemes for further reclamation which they preferred to the proposals of the Inquiry Committee. Opinion, however, was overwhelmingly against further commitments, and by a majority of 68 to 26 the motion for a reduction of the demand intended to be a definite condemnation of both the Inquiry Committee's and Government's proposals was carried. Only four non-officials voted with Government on this occasion.

**BOMBAY DEVELOPMENT
SCHEME.**

455. As compared with the pre-Reform Councils the reformed Legislative Council had an increased representation of ryots and of landholders, although the latter figured prominently enough before. The representatives of the ryots lost no time in condemning the law which secure the interests of the latter. As an instance may be quoted a Bill introduced in 1925 by a non-Brahmin member of the

**LANDHOLDERS, AND
LAND REVENUE.**

(Working of the Bombay Legislative Council under the Reforms)

Legislative Council to deprive the superior landholders of the power of imposing a penalty on inferior holders for default in the payment of rent. Inamdars and other superior holders of land, for the most part of the higher castes, strongly opposed this Bill which was supported by non-Brahmin representatives of the ryots and tenants. In fact the dispute which started between the landed proprietors and their tenants soon reduced itself in the Council to a tussle between the non-Brahmins and the advanced classes. The Bill was withdrawn on an assurance given by Government that inquiry would be made into particular cases of hardships caused by the operation of the law which the mover of the bill wished to repeal, and that steps would be taken to minimise the possibility of such cases occurring in the future if hardships were found to exist. Another instance of antagonism between tenants and landlords and incidentally as before between the non-Brahmins and the advanced classes is to be found in the resolutions brought forward in 1925 by Messrs. A. N. Surve and S. K. Bole for remedying the grievances of Khoti tenants in the Ratnagiri and Kolaba districts. They were withdrawn on the understanding that the Commissioner, Southern Division, would make personal inquiries with the help of Messrs. Bole and Surve. The representatives of the landholders have been equally eager to safeguard their own interests and this is illustrated by the resolution of one of their representatives recommending that unsurveyed alienated villages should be exempted from the introduction of the Record of Rights followed by a bill brought in to the same effect. The resolution and the Bill, however, did not come up for discussion. Another class of landholders who have also been attacked in the Reformed Councils are the Talukdars whose estates have a peculiar status and prestige, inasmuch as Government recognise in these estates property which is neither held from nor alienated by Government but which has existed from pre-British times. In 1927 a non-official Bill was introduced ostensibly for the purpose of preserving the integrity of Talukdari estates which were alleged to have been misused by talukdars who led extravagant lives, and incurred chronic indebtedness, and by compelling the talukdars to keep their expenditure within their incomes. The Bill, however, really intended to deprive talukdars of their hereditary rights and as such it was opposed by Government and thrown out by the Council. The talukdars, however, were not so fortunate when another member moved an amendment of the District Local Boards Act in 1927, requiring that talukdars should pay local fund cess on the full survey assessment and not only on the "Jama" which is the reduced assessment payable by a talukdar. The amending Bill was passed by the Council. There has also been a persistent demand from members of the Council for the appointment of a committee to inquire into the grievances of the cultivators of talukdari, inamdari, zamindari and Khoti villages of the Presidency and to recommend legislation for their removal. None of the resolutions on the subject has yet come up for discussion, but it may safely be inferred that the question is a "live" one. On the other hand the talukdars and

(Working of the Bombay Legislative Council under the Reforms)

Thakors have also been taking steps to safeguard their rights and ameliorate their condition. In 1924 a representative of theirs gave notice of a resolution recommending the appointment of a committee with a non-official majority to inquire into the status and grievances of the talukdars. The resolution, however, was not discussed. In the same year another representative moved a resolution for the appointment of a committee to inquire into the question whether the principle of levying "Jama" from talukdars was equitable. There was a lengthy discussion in which some members supported by Government pressed for an amendment of the resolution so as to include within its scope of inquiry the question of the relation between the talukdars and their tenants. The mover of the resolution, however, did not accept this. The resolution was put to the vote and lost.

456. At an early stage the non-official members of the Reformed Council

**LAND REVENUE
ADMINISTRATION.**

began to interest themselves in the land revenue administration and particularly the Bombay Settlement system and from time to time resolutions have been tabled thereon. One resolution proposed to be moved recommended that all proposals for increasing the assessment of land revenue should be discussed by the Legislative Council. The resolution, however, was not moved. Another resolution about the land revenue policy proposed that there should be no revision of survey assessment in those parts of the Presidency where it had been revised. The effect would have been to introduce a permanent settlement as in Bengal. The resolution, however, and others similar to it which were tabled from time to time have never come up for discussion. Resolutions were frequently tabled suggesting the appointment of a committee with a non-official majority to consider and report on the present rules regarding the suspension and remission of land revenue and to suggest the changes desirable in them. None of these resolutions came up for discussion. In 1923 the Legislative Council passed the following resolution :—

"This Council recommends to His Excellency the Governor in Council that the second revision settlement of the Malsiras taluka in Sholapur district for the year 1920-21 should be suspended altogether till the Nira Right Bank Canal comes into actual use for the agriculturists and the Barsi Light Railway actually begins to work in the taluka."

The Council was subsequently informed that action had been taken in conformity with the desire expressed in this resolution. From the beginning of 1924 several non-official members began giving notices of almost identical resolutions recommending that the revised increased rates of assessment introduced after the Reforms, should be suspended and the old rates re-introduced. None of the resolutions, however, came up for discussion. Another resolution suggested that Government should permanently remit the land revenue to be paid by an agriculturist in any one village if below Rs. 8 a year. This also did not come up for

(Working of the Bombay Legislative Council under the Reforms)

discussion. In March 1924 the following resolution was passed by the Legislative Council :—

“ This Council recommends that a committee consisting of official and non-official members of the Council elected by the Council with a non-official majority be appointed to consider the question of bringing the process of revising the land revenue assessment under closer regulation by statute as recommended by the Joint Committee appointed to consider the Government of India Bill, 1919, and to report on the nature and form of legislation that should be undertaken towards that end and that no revision be proceeded with and no new rates under any revised settlement be introduced till that said legislation be brought into effect.”

This resolution was partly accepted by Government and the Council was informed that a committee was appointed. Another non-official resolution about the land revenue administration was moved in 1924 recommending the appointment of a committee with a non-official majority to consider the most suitable method or methods of fixing the anna valuation of crops. In order to remove any misapprehension as regards the incorrect valuation by Government officers, Government accepted the resolution. A committee was appointed and its report was duly considered and the Council was informed that as a result the procedure for making valuations had been revised.

457. The subject of education and particularly that of primary education received considerable attention from the members of the Council. A large number of questions at every session related to this subject. Some of these were of merely local interest as for instance those relating to the necessity of school buildings at particular places, to the admission of students to a particular school, and to the closing or opening of training colleges or schools ; a substantial number also related to employees in the Educational Department. Twenty-seven out of 176 resolutions discussed in the Council also related to the subject of Education. Some of the resolutions recommended the introduction of free and compulsory education, basing the demand on the necessity of education for the backward and depressed classes. Some resolutions contained demands for special concessions to these classes in the matter of admissions to colleges and training institutions, special schools,—technical and others—scholarships and freeships and appointments. Another resolution carried in Council was in favour of rescinding the orders which had been issued modifying the practice of allowing one-third provincial grant-in-aid to aided institutions and abolishing the system of giving supplementary grants under the Grant-in-Aid Code. The Council has been informed that the resolution has been given effect to and the old practice restored. Another resolution carried recommended that primary school teachers should be paid according to the Sathe-Paranjpye Scheme with effect from March 1923. The most incessant demand in connection with Education was for the introduction of a measure of compulsion and this has been

(Working of the Bombay Legislative Council under the Reforms)

met by the Bombay Primary Education Act. A good deal of interest was taken in the suggestion that a more practical turn should be given to the teaching in village schools, particularly by the introduction of lessons in agriculture. Several resolutions dealt particularly with questions relating to Muhammadan Education. One resolution contained a recommendation that Urdu classes from standards IV to VII should be opened for the benefit of Muhammadan students at the High School at Jalgaon side by side with Marathi classes. Another was in favour of establishing a chair for Arabic at the Elphinstone College, Bombay, and appointing a Lecturer for Urdu in the Government Arts Colleges at Poona and Bombay, and an Arabic teacher in the Government Anglo-Urdu High School, Poona. Another which was carried recommended that there should be in each division of this Presidency at least one Muhammadan Headmaster, one Deputy Educational Inspector in addition to one Urdu Deputy and three Assistant Deputy Educational Inspectors. Another which was also carried recommended that the proposals made by the University Reforms Committee regarding the removal of the Ismail College from Andheri to the Fort should not be given effect to. A resolution which attracted some attention was one recommending the withdrawal of grants-in-aid from schools and colleges in which religious instruction is compulsory. The resolution was finally accepted in respect of localities where there was only a single school or college as in such circumstances the parent was practically compelled to send his child to such school or college.

The Council has always showed a very keen desire for the spread of primary education. During general discussions of the budget there was generally a complaint that sufficient funds were not allotted to Education. Finance Bills were passed on an assurance that monies were needed, *inter alia*, for education. The Entertainments Duty Act was passed expressly to provide more money for education. The Bombay Primary Education Act of 1923 was passed with the express purpose of introducing measures of compulsion in the spread of primary education.

An attempt to ensure by legislation the general introduction of compulsory elementary education was also made when a member gave notice of a Bill to amend the Bombay Primary Education Act of 1922 in this direction. The Bill, however, was not pursued.

The subject of secondary and technical education too was not lost sight of. Several resolutions were tabled recommending to Government that the minority Report of the Committee on Technical and Secondary Education should be given effect to forthwith with a view to foster and encourage technical and scientific education. The second resolution moved in the second session of 1927 in favour of appointing a committee to go into the question of secondary education as a whole and physical education was lost; but it was practically accepted by Government by the appointment of two committees—one to deal with secondary

(Working of the Bombay Legislative Council under the Reforms)

education and another to deal with physical education. The latest piece of legislation enacted by the Council is the Act to consolidate and amend the law relating to the University of Bombay.

458. Social reform and general social progress, particularly that of the depressed classes, have received a good deal of attention from the Legislative Council. Political rights of women and rights of women and children generally, marriage, freedom of religion and conscience, were some of the subjects under this head dealt with by the Council, and in respect of the depressed classes subjects relating to their education, the grant to them of franchise rights in respect of local self-government, their entertainment in the public services and their social rights generally have been dealt with.

459. The subject of political rights of women early attracted attention of the first Council and at its second session a resolution was tabled regarding the granting of the franchise rights to women. The resolution was discussed and found considerable support but was ruled out on a point of order after some discussion on the ground that it raised more than one definite issue. At the very next session, however, another member raised a discussion on a resolution proposing that women should be given electoral rights so that they could be entered on the electoral rolls entitling them to vote at elections to the legislatures. The resolution found considerable support and was ultimately carried. In the second session of 1926 a resolution was tabled recommending that this reform be carried one stage further and that women voters should be allowed to stand as candidates for election to and for being nominated as members of the Council. That resolution also found considerable support and was ultimately carried.

460. The most important measure affecting children that was passed by the Council was the Bombay Children Act, 1924. In the first session of 1926 a resolution was carried recommending the provision of money for grants-in-aid to approved institutions and organisations working for the betterment of infant and maternity welfare. In the second session of 1924 a resolution recommending to the Governor in Council the necessity of urging upon the Government of India the advisability of introducing legislation at an early date for the provision of adequate maternity benefits to women workers in all organised industries in India and to prohibit the employment of women during the period of such benefits was also carried. In the first session of 1928 a non-official Bill on the same subject (the Maternity Benefit Bill) was introduced in the Council.

Regarding the property rights of women the first non-official Bill to become an Act was a measure designed to enable the mother and grandmother of the last male holder of a watan to inherit in preference to collaterals.

(Working of the Bombay Legislative Council under the Reforms)

Another piece of legislation aiming at social reform was a non-official Bill to regulate and define the rights of Hindu women in property inherited from men of which notice was given for the first Council. Sanction to the introduction of the Bill was, however, refused by the Governor General.

461. Two important non-official Bills on the subject of marriage were considered by the Legislative Council. One took the shape of an amendment to the Bombay Local Boards Act, 1923, and aimed at having an authenticated record of marriages for purposes of production whenever required in a court of law. It made it obligatory for local boards to provide for the compulsory registration of marriages and provided a penalty for failure to get a marriage registered. Unfortunately, however, the Bill was opposed and eventually withdrawn by the Member in charge. The other Bill was designed to enable the Hindus of the province of Sind who desired to restrict themselves to monogamous marriages to do so. It lapsed as the Member in charge did not move its second reading. Another proposed legislation on the subject of marriages is a Bill which has been introduced in the first session of 1928 having for its object the registration of marriages among Hindus.

462. Under the head of measures affecting religion may be mentioned a non-official Bill passed by the Council to amend the law relating to the emoluments claimable by Watan-dar Hindu priests. It indicated the progress of social reform in the direction of the removal of Brahminic control over the non-Brahmins. Another non-official Bill was the one to consolidate the provisions relating to public, religious and charitable endowments and to put the law relating to the management of such endowments on a more satisfactory basis, of which notice was given in 1922. It sought to bring the management of religious trusts under control; but it was not pursued.

463. One of the earliest resolutions considered by the Reformed Council (at its third session) was one relating to the free and compulsory education of the depressed classes. The resolution struck a sympathetic chord in the Council and was ultimately carried amended so as to include all classes in the benefits of free and compulsory education. Since then several resolutions in favour of compulsory education have been tabled, the movers basing their claim and being supported upon the ground of the necessity for educating the backward and depressed classes. Many resolutions contained demands for concessions to these classes in the matter of admission to colleges, opening of special schools and endowments of scholarships. The enactment of the Bombay Primary Education Act found support in the necessity for the education of the backward and depressed classes.

(Working of the Bombay Legislative Council under the Reforms)

464. In the second session of 1923 a resolution was moved recommending that in order to bring the educationally backward classes (including the depressed classes) into line with the advanced classes, greater facilities should be provided for them to get education of all kinds and that in the recruitment to public services preference should be given to persons of these classes possessing the necessary minimum educational qualifications. The resolution was carried. In the second session of 1923 a resolution recommending that the untouchable classes should be allowed the use of public watering places, wells and dharamshalas as well as public schools, courts, offices and dispensaries was ultimately carried in the following form:—

DEPRESSED CLASSES
IN THE PUBLIC SER-
VICES.

“This Council recommends that the untouchable classes be allowed to use all public watering places, wells and dharamshalas which are built and maintained out of public funds or are administered by bodies appointed by Government or created by Statute as well as public schools, courts, offices and dispensaries.” The matter was again brought up before the Council in the second session of 1926 as it was reported by the members that the resolution had not been given effect to by some local bodies. The matter was considered on a resolution which was ultimately carried in the following form:—

“This Council recommends to Government to reduce any discretionary grants that are paid to municipalities and local boards in the case of those local bodies which refuse to give effect to the resolution passed by this Council allowing to members of the depressed classes the use of wells, tanks, water taps, dharamshalas, dispensaries and schools which are built and maintained out of public funds or are administered by bodies appointed by Government or created by Statute.”

As has been pointed out above legislation and resolutions dealing with primary education, rural credit, settlement of labour disputes, water supply, forest grievances have also been dealt with and one of the main objects of the Legislative Council in dealing with these subjects has been the raising of the status and promoting social welfare of the people generally and particularly of the depressed classes.

465. Under this head may be considered the attitude of the Legislative Council not only towards matters involving racial questions that came up for discussion in the Legislative Council but also the attitude of the non-European members towards the European members and *vice versa*. The relations between the European and non-European members have generally been smooth and in certain cases cordial. This was particularly the case with the European and non-European representatives of the Commerce and Industry constituencies. These members seldom took part in the debates except on matters pertaining to trade and industry or to finance in general and their speeches on such occasions were always given a patient and attentive hearing.

ATTITUDE TOWARDS
EUROPEANS.

(Working of the Bombay Legislative Council under the Reforms)

Among questions having a bearing on this subject may be mentioned those suggesting further Indianisation of Services. Among these may also be mentioned the resolution moved in the third session of the first Council recommending the appointment of Indians in the Department of Industries. The resolution, however, as withdrawn on a sympathetic reply from the Minister. Another resolution dealt with by the Council and passed was the one calling upon Government to punish a European Police Superintendent for arresting a Parsi doctor although the Government spokesman made it clear that the Superintendent had acted in good faith and without exceeding his powers.

There was no legislation of a character to arouse racial feelings.

There was an atmosphere of antipathy in part of the Legislative Council whenever any question of the favoured treatment of Europeans came up for discussion. In this class must be placed discussions on European education and the entertainment of European Sergeants in the Police. But it was in the budget discussions that the racial tendency of the Council seemed most pronounced. As examples of this may be mentioned the reduction of the grant for increased salaries to ship surveyors and of the provision for a European Matron at Yeravda Jail, the refusal to revise the salaries of Boiler and Factory Inspectors, the cuts made in 1924-25 in the provision for additional Sergeants for Ahmedabad City. In 1925 objections were raised to the grant of increased pay to Police Sergeants in Bombay. But at the same time the debates indicate that the racial feeling is partly due to the fact that the salaries of most of the European officers are non-voted; and the mortification of the Council at not having any power over these undoubtedly had something to do with its attitude towards them.

466. The control of the Government of India in respect of legislation and financial business has been resented by the Council and has often influenced it in its actions. In particular the Council has shown some restiveness in respect of the provision that amendments to Bills which had received the sanction of the Governor General as a whole before the introduction in the Council still required previous sanction. In this connection a ruling was given by the first President of the Council that the view that every amendment to a Bill requiring previous sanction also required previous sanction and could not be considered by the Council until such sanction had been obtained was an undue restriction upon the powers of the Council and that the Council had the power to consider such amendments even though sanction had not been obtained for them, pointing out that if the amendments so carried were objectionable, it was open to the Governor General to withhold his assent. The Council showed great resentment against the clause in the Bombay University Bill making the Governor General a visitor of the University, when it was stated that the clause was inserted in the Bill at the instance of the Government of India,

CONTROL OF THE
GOVERNMENT OF INDIA
AND THE SECRETARY
OF STATE.

(Working of the Bombay Legislative Council under the Reforms)

and it was only when an amendment acceptable to the House was brought forward by Government that the Bill was passed.

The Council has always resented the provisions debarring it from dealing with non-voted items. During the course of the general discussion of the budget in the first session of 1922 a member urged that as a protest against their being debarred from dealing with non-voted expenditure the Council should throw out the entire budget. He was, however, not taken seriously by the Council. Not infrequently the Council made indirect attacks upon officers whose pay is non-votable by proposing the reduction or rejection of the budget provision for the pay of their establishment which is voted. In the first session of 1928 considerable discussion ensued on an item of expenditure formerly treated as votable having been shown as non-votable. On the control of the Government of India over the compulsory contributions to that Government to be made by the local Government, remarks have been made in chapter IX dealing with the "Meston Settlement." The Council has always been very bitter on this question and several of the defeats of Government in budget discussions were undoubtedly due to this feeling.

467. The attitude of the Legislative Council in respect of action taken by the executive officers of Government in unusual circumstances has not been, on the whole, such as to embarrass the Government. In connection with the firing at Dharwar on the 1st July 1921, an adjournment motion was tabled but it was ruled out of order as the subject matter of the motion was *sub judice*. A motion to inquire into the firing incident at Matiarri in the same year was discussed but was lost. In the year 1923 the arrest and imprisonment of a member of the Council from Sind gave rise to considerable resentment which the Council expressed by rejecting budget grants till a satisfactory explanation was forthcoming. An adjournment motion to discuss the matter was also moved and was withdrawn only when the Council was satisfied that the member concerned had been released. In 1924 the mill strike in Bombay and the action taken by Government in connection therewith were discussed in the Council. In this connection also an adjournment motion was tabled and although it was talked out no acrimonious criticism was indulged in. As a result of the heavy floods in Gujerat and Sind in 1927 considerable anxiety was shown by the members as to the position and to ascertain the action taken by Government. An adjournment motion was again tabled and although attacks were made on the officers of Government by a few members the general opinion was that the officers had done all that could have been expected in the circumstances. Regarding the attitude of the Council His Excellency the Governor addressing the Council said that he desired to take the opportunity of acknowledging that the proposals of Government had been welcomed by the House as being conceived in a generous spirit and had been accepted by the House with practical unanimity.

(Working of the Bombay Legislative Council under the Reforms)

468. In the exercise of its various powers, the Council has frequently shown a tendency to claim executive authority. This tendency has shown itself in questions as well as in resolutions and in legislation. The large number of questions dealing with the pay, promotion, punishment or prospects of particular classes of Government servants and even of individuals shows it in a marked degree. Many of the resolutions tabled also indicate such a desire on the part of the Council. Thus a resolution moved in the First Council was to the effect that zamindars should have a voice in the distribution of water from Government canals by means of Local Committees who would relieve Irrigation officers of their duties in this respect. Another resolution also moved in the first Council but subsequently withdrawn by the mover, was that all revision settlement proposals should be discussed in the Council and its recommendations adopted by Government. Another resolution which was carried, also in the first Council, called upon Government to punish a European Police Superintendent for arresting a Parsi doctor. In the second Council a resolution was moved for the appointment of District Advisory Committees which the Collector and District Magistrate should be bound to consult in all important matters. It found some support in the Council, but was ultimately rejected. Under this head also must be classed several resolutions suggesting the appointment of committees including non-official members of the Council to advise on numerous matters including the administration of the districts. In the matter of legislation too there have been repeated attempts to secure more or less executive functions. Thus in dealing with the Bill to make provision for the management and control of certain open spaces in the City of Bombay, the Select Committee of the Council carried an amendment designed to give control to the Legislative Council over an executive matter, the utilisation of certain open spaces in Bombay City. The provisions made in the Bombay Children Act, the Bombay City Municipalities Act, the Co-operative Societies Act, and the recently-passed Bombay Cotton Markets Act allowing the Council by a resolution during the session immediately following the promulgation of the rules under the Acts to cancel or modify these rules are further illustrations of this tendency. The desire of the Council to get the rule-making power was shown in a resolution tabled as early as in the first session of 1923 that all rules and regulations made under the rule-making powers should be submitted to a committee of the Council before coming into force. In this connection it may be noted that an attempt made by Government to resist the insertion of a provision in the Cotton Markets Bill allowing the Council by a resolution during the session immediately following the promulgation of the rules to cancel or modify them was stoutly resisted by the Council and overruled by the President. A non-official Bill which directly permitted interference by the Council with executive functions was passed by the second Council for the amendment of Section 25 of the District Police Act.

TENDENCY OF THE
COUNCIL TO EN-
CROACH UPON POWERS
OF THE EXECUTIVE.

(Working of the Bombay Legislative Council under the Reforms)

Section 25 of the Act as it stood before amendment, empowered Government to direct the imposition of a tax or rate to defray the cost of additional police employed in any local area which appeared to it to be in a disturbed or dangerous state. The Bill above referred to was passed in such a form as to provide that a copy of every direction given by Government should be sent forthwith to each member of the Council and should be laid on the table of the Council at the commencement of the session next following the date of such direction and the question whether the said cost or any part thereof should be defrayed in the manner specified or out of general revenues should, if so required by due notice given at that session, be decided by a resolution of the Council and recoveries should be suspended pending the consideration of such resolution, if any, at that or the next succeeding session.

469. A reference has already been made to the influence of the official *bloc* on the decisions of the House as a whole in regard to the proposals and policy of the Ministers. Appended are two statements marked J and K showing respectively the divisions that have taken place on subjects relating to the reserved departments, and on all proposals, relating to reserved and transferred departments indicating what the effect would have been if the official *bloc* had not voted. It will be seen that if the official *bloc* had not the right to vote, out of 104 divisions on proposals relating to the Transferred Departments the decision of the House as a whole would have been different in 30 cases, and out of 191 divisions relating to the Reserved Departments, the decision would have been different in 81 cases, so that of 295 divisions in all the decision would have been different in 115 cases.

THE OFFICIAL *bloc*.
 GOVERNMENT IN-
 FLUENCE OVER THE
 BUSINESS OF THE
 COUNCIL.

470. The only privilege of the members of the Legislative Council that is recognised by statute is that of freedom of speech. The Presidents have generally seen to it that this privilege was not abused. From this privilege of individual members, some privileges of the House as a whole have been deduced. One of these is that the criticism of speeches of members by officers of Government elsewhere than on the floor of the House constitutes a breach of privilege. In 1922 the attention of the House was drawn to a letter in a local newspaper signed by "A Member," which was held to be a breach of privilege. The rule was enunciated by the President thus:—

PRIVILEGES OF
 MEMBERS OF THE
 COUNCIL.

"The rule is that it is a breach of privilege of the House for any honourable member to write any letter to the Press impugning or casting reflections upon the integrity or capacity of any member or members of the Council, their capacity or their character as members of this Council, with reference to the discharge of their duties in the Council and with reference to what they have said in the Council."

The particular incident, however, did not call for any action. Criticism by newspapers calculated to interfere with the independent performance

(Working of the Bombay Legislative Council under the Reforms)

of public duties by members has been deemed to be a breach of the privileges of the House.

471. During the course of a little over seven years some unwritten rules of conduct have been developed ; while some of these may be said to have attained the status of conventions, others must be regarded as mere practices followed whenever possible. Among such practices may be mentioned that under which no opposition is offered to a Bill when leave to introduce it is asked for, as it would not be fair to throw out a Bill which the members have not had the opportunity of seeing or studying. Bills which are on the face of them unreasonable or impossible or which have once been introduced and thrown out by the Council are considered as exceptions to this practice. The rules for the admission of questions are substantially the same as those obtaining in the House of Commons and Parliamentary precedent is invariably followed in their interpretation. Questions are most commonly disallowed on the ground that they deal with a Central subject or a matter *sub judice*, that they are argumentative, ask for opinion, contain assumptions or suggest a particular course of action. Other grounds for disallowance of questions were imported from Parliamentary precedent, *viz.*, that a question must not refer to more than one department, that it should not demand a treatise by way of an answer, that it should not be of a debating nature, etc. Certain conventions relating to conduct and speech in the House have been developed by the rulings of the Presidents. Unquestioned obedience to the Chair has been the rule and a satisfactory standard of Parliamentary procedure has been maintained in the business of the Council. The Presidents have invariably followed Parliamentary Procedure so far as it could be adapted to the local conditions. The following are some of such rulings :—

(a) The Governor stands in relation to the Council as the King stands to Parliament. His name may not be mentioned in debate.

(b) Newspapers should not be read in the House.

(c) Individual officers of Government may only be censured by a substantive motion to that effect.

(d) If a member of Government refers to a document in debate he must, unless it is confidential, lay it on the table.

(e) A motion to reduce a major head in the Budget is an opportunity for general criticism of the working of that Department.

(f) The principle of a Bill accepted at a first reading may be limited at the second reading but not nullified.

(g) Written speeches are not permitted. The convention against the reading of speeches which the first President had tried to enforce has, however, been gradually allowed to weaken.

Rulings as to what expressions are "parliamentary" and what are "unparliamentary" also have been based entirely on Parliamentary precedents.

(Working of the Bombay Legislative Council under the Reforms)

In the development of Parliamentary practice and conventions, the Council has been fortunate in the guidance it has received particularly from the first President who had made a close study of Parliamentary procedure, and who tried his best to guide the deliberations of the Council in accordance therewith and build up traditions of a high order.

472. There are four permanent committees of the Council, *viz.*, the Housing Committee, the Library Committee, the Finance Committee and the Public Accounts Committee. Besides these, various advisory committees with non-official members of the Council on them have been appointed by Government at the instance of the Council. The Housing Committee and the Library Committee are not very important. Originally the Housing Committee was appointed to consider the provision of houses for Government officers and little or no interest is taken in it. The Library Committee consisted of 12 members till 1924, and thereafter of 13 members, including the President of the Council and was made up of 3 officials and at first 8 and thereafter 9 non-official elected members besides the President. This Committee deals with the purchase of books for the Council Library. The functions of the Finance Committee and the Public Accounts Committee are discussed in Chapter VII.

473. There have been 53 select committees appointed to consider various bills. The names of the members of such committees are generally proposed by the member in charge of the Bill, and other names are sometimes suggested by other members either in addition to or in substitution for those already proposed. Usually Government offer no opposition; but if they do, the matter is usually not pressed. On two occasions, however, a question regarding the personnel of a Select Committee was carried to a division and upon one of these occasions Government were defeated. Some Bills have emerged from the Select Committee almost unaltered, while others have undergone profound alterations. In one case (Bill No. XV of 1924) the amendments made by the Select Committee were so opposed to the proposals of Government that the Bill was dropped.

474. Several Committees with non-official members of the Council on them were also appointed by Government departmentally in consequence of resolutions passed or action taken in the Council. The Retrenchment Committee has already been mentioned. Among others may be mentioned the Back Bay Reclamation Committee, the Prostitution Committee, the Excise Committee, the Land Revenue Assessment Committee, the Anna Valuation Committee, the Fallow Rules Committee, the Forest Grievances Committee, the Excise Taxation Committee, the Primary Teachers' Pay Committee, and the Sea Encroachment Committee. These Committees undoubtedly have an educative effect and tend to make criticism more informed and more weighty both on the part of the members of the Committee and of other members who make use of the material forthcoming from the report of the Committee. The reports of such committees

(Working of the Bombay Legislative Council under the Reforms)

are also in many cases helpful to Government even though the conclusions or recommendations cannot always be given effect to. Such Committees are also a natural and useful method of associating the legislative body with the administration.

475. The intervention of the courts of law to decide the validity of actions taken or to be taken in the Council was sought on at least two occasions but in each case the matter was not pursued to the end. In March 1926 three members of the Council—all members of the Swaraj party—made a petition to the High Court for a writ of mandamus for the removal of the items relating to the sumptuary allowance and tour expenses of the Governor from the list of non-voted items in the budget, and the High Court granted a rule nisi. Two questions were raised in the petition, viz.—

THE COUNCIL AND
THE COURTS

(1) whether the sumptuary allowance, tour or travelling expenses of the Governor were votable items ; and

(2) whether under Section 85 of the Government of India Act read with the second schedule, the above allowances could be paid to the Governor in addition to his salary.

The petitioners, however, did not prosecute the petition and the rule was discharged with costs by the High Court. Incidentally it may be mentioned that a similar question arose in the Patna High Court also.

One of the three members who had made the petition to the High Court, however, pursued the matter further by way of a suit against the Secretary of State. The necessary notice was served in April 1926 and in September a suit was filed praying *inter alia* for

(a) a declaration that the expenditure of the amounts for the sumptuary allowance and tour expenses sanctioned to the Governor was illegal ; and

(b) an injunction restraining the Secretary of State from incurring any further expenditure out of the amounts sanctioned for 1926-27.

The suit had not been marked for hearing when the financial year expired. On the 31st of March 1927 the plaintiff accordingly wrote to say that taking into consideration the nature of the suit no useful purpose would be served by proceeding with it. The suit was accordingly dismissed with costs.

476. The members elected to the first Council had placed no definite programme before their electorates apart from the permanent issue of acceptance or rejection of the Reforms Scheme. The views propounded in Council were, therefore, except in matters of local grievances, all more or less the individual opinions of the members. The latter cannot be said to have had and did not, in fact pursue any declared policy which represented the opinion and wishes of the constituencies as a whole. In the elections to the second Council, however, the electors

THE COUNCIL AND
CURRENT PUBLIC
OPINION.

(Working of the Bombay Legislative Council under the Reforms)

showed a reasonable interest and the proportion of those who voted was far higher than in 1920, chiefly owing to the split in the non-co-operation party and the decision of the Swarajists to stand for election. Furthermore the orthodox non-co-operators—the “No-Changers”—actively assisted the Swarajists in this Presidency during the elections and the latter may therefore be said to have represented them, especially after the Gandhi-Das-Nehru Pact had been signed at Calcutta in 1924, which permitted work in the Legislatures to be carried on by the Swaraj party on behalf of the Congress as an integral part of its organisation.

The elections to the third Council also showed greater activity among the voters than in 1920. There was a further split in political parties before the third General election. The Responsivists had come into being. Simultaneously the Liberals made stronger efforts and formed the Indian Nationalist party for the elections. Political parties were thus well represented. The second and third Councils represented a wider public than the first and the fact that the elections were much keener and that there was greater competition, suggests that those elected were more representative of the constituencies than those returned in the 1921 elections.

The existence of a distinct non-Brahmin group in all the three Councils also mirrors a division in the electorate itself. In the Deccan and the Karnatak the non-Brahmins have become a factor requiring recognition. The Marathas have been gradually acquiring class consciousness with a growing anti-Brahmin feeling. The Lingayats, much better organised and probably on the whole more interested in the progress of education with all that it entails politically than the Marathas, have an age long feud against the Karnatak Brahmins. The existence of the non-Brahmin group in the Councils is based on a real political division in the constituencies. It reflects the growing determination of the agricultural public of the Deccan and the traders of the Karnatak that the policy of Government shall be guided towards the amelioration of their lot as against the favour hitherto granted to the advanced classes. The group represented the inarticulate opinion of the Deccan countryside and of the Karnatak.

On the whole the Council members have constituted a fairly representative selection from the chief classes of the people. There are classes which have been unrepresented; but they are classes which in the country itself have been voiceless and powerless. If the element of the advanced classes has been stronger than numbers warrant, it undoubtedly represents the relative power which tradition, wealth, education and intelligence have conferred upon them. All the chief communities in the Presidency and in Sind have been represented in the Councils, although there has been a demand for further or increased representation.

The extent to which the Councils have reacted upon public opinion is not easy to judge and differs largely in various parts of the country. The increased activities and stir due to elections has no doubt served to draw

(Working of the Bombay Legislative Council under the Reforms)

attention to the development of the political situation. Actual participation in and experience of the working of the Council convinced a large majority of the Swarajists in the Council, and through them their following outside, of the futility of continuous and consistent obstruction and the need for modifying their attitude to one of responsive co-operation. So far as Sind is concerned, the success of the Muhammadan Zamindars in the Council in securing the postponement of land revenue settlements, the experiments with Karis Moduling *versus* deep silt clearance, and the appointment of the Fallow Rules Committee has aroused a certain degree of interest amongst the Zamindars and made them realise to some extent the power of their representatives, and so, indirectly, of themselves. In the Central Division which has a good and influential Press, the Council is beginning to represent such public opinion as exists. Public interest in politics there is, however, of a parochial character, local questions being the only ones that count. On the whole it may be said that where the people are backward and ignorant or where the influence of the non-co-operation movement prevailed or still prevails, there has been but little reaction. Where the educated minority is most numerous, the effects of the Council debates are not unnoticeable. Mention has already been made of the interest evinced by the constituencies and the public in the working of the Council. Matters of local interest and local grievances generally have been brought before the Council by the members in the shape of questions and resolutions. Class grievances of the backward communities—the Muhammadans and the Marathas—as also those of the depressed classes too, have been brought before the House. This is due to a large extent to the pressure of the constituents. In addition to looking up to the Council for redress of grievances in this manner, the public sometimes have had direct recourse to the Council by sending petitions for redress of grievances to it either through the President or through members. Petitions received by the President from the public are sent to the departments of Government concerned for disposal. Petitions sent through members are, with the leave of the House, presented to the Council. Such petitions generally had reference to the business before the House.

477. The Council has used all the powers conferred upon it by the
 CONCLUSION. Reforms.

Questions affecting matters of local interest, local grievances, the Services and the administration generally have been put in Council and sometimes have induced Government to take action. Resolutions have been moved and carried which have influenced the administration. The Council has also a large record of useful legislation to its credit. Government revenues and expenditure have been reasonably controlled by its deliberations on the Finance Bills, budgets and supplementary demands. The fact that none of the reductions or omissions effected by the Council have had to be certified by the Governor may be taken

(Working of the Bombay Legislative Council under the Reforms)

as evidence of its reasonableness. The proceedings of the Council have been orderly. No member has ever been "named" by the President. Implicit obedience to the Chair has been the rule. The attendance has been good and regular. Conventions and traditions have been built up and observed. On the question of the development of the Reforms as a whole the Council expressed itself in unmistakable terms when the adjournment motion by the leader of the Swaraj party in the first session of 1925 to discuss "the extremely unsatisfactory nature of the recommendations made in the majority report of the Reforms Enquiry Committee" was carried. But the Reforms have been worked in a helpful spirit even by the members of the Swaraj party who entered the Council with the object of obstruction and there has been no deadlock at any time. In criticising and discussing the proposals and policy of Government on both sides of the administration, the influence of the Council has been constant and considerable. On the whole its records show no desire on the part of the members to embarrass Government. Criticisms and discussions have generally been moderate and made in a helpful spirit. Throughout their deliberations, whether in dealing with financial policy, with legislation or with recommendations to Government, the Council has evinced sound common sense and a firm desire for progress.

(Appendix A)

APPENDIX A

Statement showing the population and voting strength of the non-Muhammadan and Muhammadan Constituencies of the Bombay Legislative Council and the number of seats allotted to each

Name of Constituency	Population		Voting strength		Number of seats	
	Muham- madan	Non- Muham- madan	Muham- madan	Non- Muham- madan	Muham- madan	Non- Muham- madan
Bombay City (Muhammadan and non-Muhammadan.)	184,685	976,503	21,706	97,937	2	6
Karachi City do. ..	100,436	116,417*	8,330	18,057	1	1
Ahmedabad City (Non-Muham- madan) ..	53,828	220,179*	7,695	35,608	..	1
Ahmedabad and Surat Cities (Muhammadan) ..	78,392	..	9,331	..	1	..
Surat City (Non-Muhammadan) ..	24,564	92,870*	1,636	7,583	..	1
Sholapur City (Non-Muham- madan) ..	20,962	92,969*	3,290	12,626	..	1
Poona and Sholapur (Muham- madan) ..	43,075	..	5,440	..	1	..
Poona City (Non-Muhammadan) ..	22,113	176,430*	2,150	17,218	..	1
Ahmedabad District (Non- Muhammadan) ..	45,467†	571,097	1,715	21,514	..	2
Broach District (Non-Muham- madan) ..	69,968	237,731	7,697	18,434	..	1
Kaira District (Non-Muham- madan) ..	65,215	645,709	2,788	27,792	..	2
Panch Mahals (Non-Muham- madan) ..	26,685	318,156	2,907	11,527	..	1
Surat District (Non-Muham- madan) ..	31,686†	525,186	2,025	18,987	..	2
Thana and Bombay Suburban District (Non-Muhammadan) ..	46,356	865,800	4,876	30,070	..	2
Ahmednagar District (Non- Muhammadan) ..	37,736	692,752	1,100	17,204	..	2
Khandesh East (Non-Muham- madan) ..	107,509	968,094	2,175	32,718	..	3
Khandesh West (Non-Muham- madan) ..	32,509	609,322	1,600	10,392	..	1
Nasik District (Non-Muham- madan) ..	46,156	782,615	2,686	21,070	..	2
Poona District (Non-Muham- madan) ..	21,404†	780,928	555	12,217	..	2
Satara District (Non-Muham- madan) ..	35,989	989,769	792	21,533	..	3
Sholapur District (Non-Muham- madan) ..	37,740†	590,205	590	12,825	..	1
Belgaum District (Non-Muham- madan) ..	80,292	872,055	1,398	23,152	..	2
Bijapur District (Non-Muham- madan) ..	96,125	700,742	1,380	16,090	..	1
Dharwad District (Non-Muham- madan) ..	113,037	893,742	2,351	35,236	..	2
Kanara District (Non-Muham- madan) ..	26,402	375,297	586	10,052	..	1

*These include Europeans as separate figures of European population are not given in Census Report for cities.

† Population of the City constituencies is excluded.

(Appendix A)

APPENDIX A—*contd.*

Name of Constituency	Population		Voting strength		Number of seats	
	Muham- madan	Non- Muham- madan	Muham- madan	Non- Muham- madan	Muham- madan	Non- Muham- madan
Kolaba District (Non-Muham- madan)	28,364	534,359	1,278	14,328	..	1
Ratnagiri District (Non-Muham- madan)	80,991	1,073,241	2,807	21,594	..	2
Hyderabad District (Muham- madan)	411,776	160,894	11,603	..	2	..
Karachi District (Muhammadan)	285,715†	36,241	4,030	..	2	..
Larkana District (Muhammadan)	499,553	98,395	10,601	..	3	..
Nawabshah District (Muham- madan)	321,135	97,523	6,517	..	1	..
Sukkur District (Muhammadan)	358,396	151,810	9,412	..	2	..
Thar and Parkar (Muhammadan)	212,735	183,576	4,475	..	2	..
Upper Sind Frontier (Muham- madan)	216,277	24,337	3,973	..	1	..
Northern Division (Muhammadan)	285,877	..	22,068	..	3	..
Central Division (Muhammadan)	322,345	..	9,408	..	3	..
Southern Division (Muhammadan)	455,291	..	9,860	..	3	..
Eastern Sind (Non-Muhammadan)	..	442,795	..	23,789	..	1
Western Sind do.	..	314,112	..	25,240	..	1

†Excluding population of Karachi City.

APPENDIX B

Statement showing the population and voting strength of the Marathas, the number of Maratha candidates nominated and elected, the number of votes polled and the rank of each Maratha candidate at the last three elections in the constituencies in which seats are reserved for the Marathas

(Appendix B)

APPENDIX

Statement showing the population and voting strength of the Marathas, the polled and the rank of each Maratha candidate at the last three elections

Constituency	Total population of the constituency	Total Maratha population	Total Number of voters on electoral roll of 1926	Total Number of Maratha voters.	Total Number of candidates nominated in the constituency			Total Number of Maratha candidates nominated		
					1920	1923	1926	1920	1923	1926
Bombay City (North).	618,731	400,919 (for Bombay South and North)	42,774	6,051	6	12	12	2	3	3
Thana and Bombay Suburban Districts	868,502	399,353	30,070	14,910	6	4	5	Nul.	1	2
Ahmednagar ..	693,810	469,322	17,204	13,615	3	6	6	2	3	4
Nasik ..	736,118	453,430	21,070	15,448	6	3	7	3	1	3
Poona District ..	782,046	645,508	12,217	9,764	5	5	4	3	3	3
Ratnagiri District ..	1,073,253	825,340	21,594	13,734	3	4	5	2	2	2

* These candidates would not have been

(Appendix B)

B

number of Maratha candidates nominated and elected, the number of votes in the constituencies in which seats are reserved for the Marathas

Total Number of Maratha candidates elected			Total Number of votes polled in the constituency			Number of seats	Rank of each Maratha candidate at the election		
1920	1923	1926	1920	1923	1926		1920	1923	1926
2	1	1	2,742	23,704	38,707	3	Mr. A. N. Surve, stood second; (votes secured 692); Mr. S. K. Bole, stood third; (votes secured 490).	Mr. A. N. Surve* (returned on the reserved seat).	Mr. R. S. Asavle, stood 4th; (votes secured 3,219)*; Mr. A. N. Surve, stood 5th; (votes secured 2,807); R. B. Manaji Rajuji, stood 8th; (votes secured 1,479).
<i>Nil.</i>	1	1	1,078	6,003	11,361	2	<i>Nil.</i>	Mr. S. J. Zunzarrao* (returned on the reserved seat).	Mr. S. J. Zunzarrao, stood first; (votes secured 6,532).
1	1	1	3,872	6,063	13,332	2	Mr. J. A. Powar, stood first; (votes secured 2,828); Mr. A. A. Thorat, stood third; (votes secured 358).	Mr. N. E. Navle* (returned on the reserved seat)	Mr. N. E. Navle* (returned on the reserved seat) (votes secured 2,385).
1	1	1	4,436	7,488	19,709	2	Mr. K. B. Nimbalkar, stood first; (votes secured 2,359); Mr. S. V. Kadman, stood third; (votes secured 583); Mr. V. S. Jadhav, stood sixth; (votes secured 127).	Mr. R. D. Shinde* (returned on the reserved seat)	Mr. R. V. Vandeekar, stood second; (votes secured 4,867); Mr. Madhav Parasram, stood fourth; (votes secured 2,038); Mr. B. B. Thorat, stood seventh; (votes secured 61).
1	2	2	3,131	11,055	9,211	2	Mr. G. M. Kalbhor, stood first; (votes secured 2,359); Mr. R. V. Khedkar, stood fourth; (votes secured 75); Mr. H. J. Deshmukh, stood fifth; (votes secured 57).	Mr. N. R. Gunjal, stood first; Mr. G. M. Kalbhor, stood second.	Mr. Sadashivrao alias Khaserao Jivajirao Powar, stood first; Mr. N. R. Gunjal, stood second.
1	1	1	2,026	7,155	8,145	2	Mr. D. A. Vichare, stood first; (votes secured 1,814); Mr. V. M. More, stood second; (votes secured 133).	Mr. V. A. Surve, stood second; (votes secured 3,748). Mr. D. A. Vichare, stood third; (votes secured 2,607).	Mr. V. A. Surve* (returned on the reserved seat)

elected but for the reserved seat.

(Appendix B)

APPENDIX

Constituency	Total population of the constituency	Total Maratha population	Total Number of voters on electoral roll of 1926	Total Number of Maratha voters	Total Number of candidates nominated in the constituency.			Total Number of Maratha candidates nominated		
					1920	1923	1926	1920	1923	1926
Sholapur District ..	688,158	413,915	12,825	7,273	5	2	4	3	1	2
Kolaba District ..	534,568	467,455	14,328	10,280	3	2	2	1	2	1
West Khandesh District.	581,326	223,679	19,392	8,547	2	3	4	1	1	4

(Appendix B)

B—contd.

Total Number of Maratha candidates elected			Total Number of votes polled in the constituency			Number of seats	Rank of each Maratha candidate at the election		
1920	1923	1926	1920	1923	1926		1920	1923	1926
1	<i>Nil.</i>	1	901	6,012	8,311	1	Mr. S. P. Ligade, stood first, (votes secured 480) Mr. R. G. Salgar, stood second, (votes secured 156); Mr. D. K. Jadhav, stood fourth (votes secured 59)	....	Mr. Shamrao F. Ligade, stood first.
<i>Nil.</i>	1	1	693	4,434	8,080	1	Mr. R. N. Patil, stood second, (votes secured 157).	Mr. M. B. Powar, stood first, (votes secured 3,001) Mr. S. G. Virkud, stood second, (votes secured 1,304).	Mr. A. M. Atavne, stood first, (votes secured 4,000).
<i>Nil.</i>	<i>Nil.</i>	1	866	6,827	6,316	1	Mr. D. V. Soundankar, stood second, (votes secured 423).	Mr. D. V. Soundankar, stood second, (votes secured 1,419).	Mr. M. G. Bhojle, stood first, (votes secured 2,922). Mr. D. V. Soundankar, stood second, (votes secured 1,533). Mr. S. G. Patil, (votes secured 415).

(Appendix C)

APPENDIX

Divisions on

Year	Motion	Ayes	Noes
1921	1. Mr. B. G. Pahalajani's motion that item No. 145, provision of Rs. 5,000 for additions and alterations to Executive Engineer's Office, Nawabshah, be omitted	36	30
	2. Rao Bahadur R. R. Kale's motion that demand No. 9, the amount of Rs. 1,92,000 relating to salaries of Ministers be reduced to Rs. 1,08,000	21	57
	3. Mr. G. B. Trivedi's motion that Mr. I. S. Haji's name be included in the Select Committee on the City of Bombay Municipal Bill	41	34
1922	1. Mr. G. C. Bhate's motion that item No. 29 Rs. 15,00,000, purchase of Acetone Factory, Nasik, for use as a country spirit distillery be omitted.	5	52
	2. Khan Bahadur D. B. Cooper's motion that the recurring expenditure of Rs. 25,000 grant to the Bombay University be omitted	27	37
	3. Rao Saheb D. P. Desai's motion that item No. 280 working charges of Pottery Demonstration at the School of Art, Rs. 21,044 be omitted	16	32
	4. Mr. A. N. Surve's motion that item No. 186, grant of reward allowance to sub-assistant surgeons attached to jails, Rs. 6,000 be omitted	35	29
	5. Mr. N. M. Durnasia's motion that the demand of Rs. 1,92,000 (salaries of Ministers) under 22-General Administration be reduced to Rs. 1,08,000, i.e., the salary of each Minister be reduced to Rs. 3,000 p.m.	16	46
	6. Supplementary grant of Rs. 10,650 for salaries already sanctioned for Non-Indian Medical Service Assistant Directors of Public Health	40	27
	7. Mr. F. Nelson's motion that the consideration of the City of Bombay Municipal Bill No. VII of 1922 be adjourned to the next session	15	55
	8. Mr. C. M. Gandhi's motion that consideration of the first reading of Bill No. XVI of 1922 (Bombay Local Boards Bill) be adjourned to the next session of the Council	21	53

(Appendix C)

C

Transferred Subjects.

Result of division	Government success or defeat	If official <i>bloc</i> omitted, the result would have been		
		Ayes	Noes	Result
Carried ..	Defeat ..	36	12	No change.
Lost ..	Success ..	21	40	Do.
Carried ..	Defeat ..	41	19	Do.
Lost ..	Success ..	5	34	No change.
Do. ..	Do. ..	27	20	Carried.
Do. ..	Do. ..	16	14	Do.
Carried ..	Defeat ..	35	9	No change.
Lost ..	Success ..	16	28	Do.
Carried ..	Do. ..	20	27	Lost.
Lost ..	Do. ..	15	38	No change.
Do. ..	Do. ..	21	33	Do.

Year	Motion	Ayes	Noes
1922— <i>contd.</i>	9. Motion regarding the constitution of the Select Committee on Bill No. XVI of 1922 (Local Boards Bill)	53	20
	10. Mr. B. V. Jadhav's resolution regarding the preference given to Non-Brahmins in vernacular training colleges for teachers	11	33
	11. Rao Sahib D. P. Desai's amendment to Bill No. XVI of 1922 (Local Boards Bill) (clause 9)	27	37
	12. Government amendment to clause 9 (1) of Bill No. XVI of 1922 (Local Boards Bill)	42	22
	13. Motion that Bill No. XVII of 1922 (Primary Education Bill) be read a second time	51	9
	14. Government motion that the words "to such extent as may be prescribed" in clause 4 (1) of Bill No. XVII of 1922 do stand part of the Bill	18	20
	15. Government amendment to the explanation clause of clause 13 (1) of Bill No. XVII of 1922 (Primary Education Bill)	27	34
	16. Government's second amendment to the explanation clause of clause 13 (1) of Bill No. XVII of 1922 (Primary Education Bill)	25	35
	17. Government resolution regarding the expenditure in connection with the British Empire Exhibition	39	6
1923	1. Sardar V. N. Mutalik's motion that grant of Rs. 2,600 for the purchase of instruments for the photo-copying department be omitted	10	50
	2. Mr. G. C. Bhate's resolution regarding supply of drinking water in Kolaba	33	42
	3. Mr. C. M. Gandhi's resolution regarding the recruitment of backward classes in public service	22	27
	4. Rao Bahadur R. R. Kale's resolution that the grants under the Grant-In-Aid Code to grant-in-aided institutions be increased	37	20

(Appendix C)

C—contd.

Result of division		Government success or defeat	If official bloc omitted, the result would have been		
			Ayes	Nocs	Result
Carried	..	Success	33	20	No change
Lost	..	Do.	11	18	Do.
Do.	..	Do.	27	22	Carried.
Carried	..	Do.	25	22	No change.
Do.	..	Do.	33	9	Do.
Lost	..	Defeat	4	20	Do.
Do.	..	Do.	8	31	Do.
Do.	..	Do.	6	35	Do.
Carried	..	Success	21	6	Do.
Lost	..	Do.	10	32	Do.
Do.	..	Do.	33	22	Carried.
Do.	..	(Government members did not vote).			
Carried	..	Defeat	37	5	No change.

(Appendix C)

APPENDIX

Year	Motion	Ayes	Noes
1924	1. Mr. B. G. Pahalajani's motion to reduce the provision of Rs. 61,753 for the pay of Chief Inspectors of Excise, etc., to Rs. 6,932	52	38
	2. Mr. B. G. Pahalajani's motion to reduce the provision for pay of Deputy Commissioners of Excise by Rs. 19,700	46	41
	3. Motion by Mr. S. S. Dev to omit the provision of Rs. 25,000 for provident fund for teachers in non-pensionable service	48	35
	4. Mr. V. R. Kothari's motion for the reduction of the total demand for Education by one rupee	39	44
	5. Rao Saheb D. P. Desai's motion that the additional grant of Rs. 6,177 to the European General Hospital, Aden, be omitted	35	46
	6. Mr. H. B. Shivdasani's motion to reduce the provision under Public Health by omission of the provision for Assistant Directors of Public Health	34	49
	7. Mr. J. K. Mehta's motion that provision of Rs. 43,305 for the British Empire Exhibition be omitted	46	42
	8. Demand of Rs. 2,42,91,000 for 31, Education	61	23
	9. Mr. B. G. Pahalajani's resolution in connection with fees for medical attendance.	47	35
	10. Mr. H. B. Shivdasani's resolution regarding division of Surat under the Cotton Transport Act	41	37
	11. Mr. H. B. Shivdasani's resolution regarding pay of primary school teachers as amended by Mr. A. N. Surve	42	40
	12. Mr. P. G. Joshi's motion for leave to introduce his Bill to amend the Bombay Local Boards Act	31	58
	13. Rao Bahadur S. T. Kambli's motion for leave to introduce his Bill to amend the Bombay Local Boards Act, 1923.. ..	15	55
	14. Amendment to the Resolution by Mr. C. M. Saptarshi regarding Excise policy.	35	46

(Appendix C)

C—contd.

Result of division	Government success or defeat	If official <i>bloc</i> omitted, the result would have been		
		Ayes	Noes	Result
Carried ..	Defeat ..	52	21	No change.
Do. ..	Do. ..	46	21	Do.
Do. ..	Do. ..	48	15	Do.
Lost ..	Success ..	39	24	Carried.
Do. ..	Do. ..	35	27	Do.
Do. ..	Do. ..	34	29	Do.
Carried ..	Defeat ..	46	22	No change.
Do. ..	Success ..	41	23	Do.
Do. ..	Defeat ..	47	15	Do.
Do. ..	Do. ..	41	17	Do.
Do. ..	Success ..	21	40	Lost.
Lost ..	Do. ..	31	39	No change.
Do. ..	Do. ..	15	44	Do.
Do. ..	Defeat ..	16	46	Do.

(Appendix C)

APPENDIX

Year	Motion	Ayes	Noes
1924— <i>contd.</i>	15. Mr. C. M. Saptarshi's resolution regarding Excise policy as amended by Mr. A. N. Surve	45	28
	16. Mr. K. F. Nariman's motion that consideration of the first reading of Bill No. XXV of 1924 (City of Bombay Municipal Act Amendment Bill) be postponed to next session	22	44
	17. Supplementary demand of Rs. 24,000 for purchase of a bungalow at Nasik for a Forest Officer	52	33
	18. Supplementary demand of Rs. 9,700 for stores required for photo-copying of documents in the Registration Department	32	47
	19. Mr. L. B. Bhopatkar's motion for leave to introduce his Bill to alter the constitution etc. of municipalities	43	41
1925	1. Dr. K. E. Dadachanji's motion that item regarding purchase of a building for the country spirit warehouse at Sewri be omitted	26	43
	2. Mr. L. B. Bhopatkar's motion that provision of Rs. 50,000 for quarters for nurses, Poona, be omitted	30	49
	3. Mr. R. G. Soman's motion to omit the provision of Rs. 12,000 made for registration (stores) for photo-copying	30	56
	4. Mr. P. G. Joshi's motion that the provision for discretionary grants be reduced by Rs. 5,25,700	26	51
	5. Amendment by Dr. Mehta to clause 6 (1) of the Prevention of Adulteration of Food Bill	28	43
	6. Mr. R. G. Soman's amendment to clause 6 (1) of the Prevention of Adulteration of Food Bill	30	44
	7. Motion that clause 17 do stand part of the Prevention of Adulteration of Food Bill	44	29
	8. Motion that clause 18 of the Prevention of Adulteration of Food Bill do stand part of the Bill	46	33
	9. Mr. K. F. Nariman's amendment to clause 14 of Bill No. XXV of 1924 (Bombay City Municipal Act Amendment Bill)	31	64

(Appendix C)

C—contd.

Result of division	Government success or defeat	If official bloc omitted, the result would have been		
		Ayes	Nocs	Result
Carried	Defeat	45	9	No change.
Lost	Success	22	25	Do.
Carried	Do.	33	33	(?)
Lost	Defeat	13	47	No change.
Carried	Do.	43	22	Do.
Lost	Success	26	23	Carried.
Do.	Do.	30	29	Do.
Do.	Do.	30	36	No change.
Do.	Do.	26	31	Do.
Do.	Do	28	24	Carried.
Do.	Do.	30	25	Do.
Carried	Do.	24	29	Lost.
Do.	Do.	26	33	Do.
Lost	Do.	31	44	No change.

Year	Motion	Ayes	Noes
1925— <i>contd.</i>	10. Mr. S. S. Dev's amendment to clause 4 of the Co-operative Societies Bill ..	30	55
	11. Mr. P. G. Joshi's amendment to clause 22 (4) (i) of the Co-operative Societies Bill ..	32	55
	12. Mr. J. A. Madan's amendment to clause 50 (f) of the Co-operative Societies Bill ..	53	30
	13. Mr. L. B. Bhopatkar's motion that his Bill No. IX of 1925 (Bombay Town Planning Act Amendment Bill) be read a first time ..	35	48
	14. Mr. P. G. Joshi's motion for leave to introduce his Bill further to amend the Bombay Local Boards Act, 1923 ..	27	51
	15. Mr. S. K. Bole's motion for leave to introduce his Bill to amend the City of Bombay Municipal Act, 1888 ..	44	24
	16. Mr. A. N. Surve's motion for leave to introduce his Bill further to amend the City of Bombay Municipal Act, 1888 ..	41	25
	17. Mr. Noor Mahomed's motion for leave to introduce his Bill further to amend the Bombay Local Boards Act, 1923 ..	48	21
	18. Mr. Noor Mahomed's amendment to clause 9 (2) of the Bombay City Municipalities Bill ..	34	1
	19. Mr. R. D. Shinde's Amendment to clause 17 (1) of the Bombay City Municipalities Bill ..	8	39
	20. Rao Saheb D. R. Patil's amendment to clause 32 (2) of the Bombay City Municipalities Bill ..	11	20
	21. Mr. J. Baptista's amendment to clause 10 of the Bombay Improvement Trust Transfer Bill ..	6	32
	22. Mr. S. K. Bole's amendment to clause 10 of the Bombay Improvement Trust Transfer Bill ..	17	40
	23. Mr. A. N. Surve's amendment to clause 36 (a) of the Bombay Improvement Trust Transfer Bill ..	5	30
	24. Mr. A. Master's amendment to clause 36 (a) of the Bombay Improvement Trust Transfer Bill ..	23	3

(Appendix C)

C—contd.

Result of division	Government success or defeat	If official bloc omitted, the result would have been		
		Ayes	Noes	Result
Lost ..	Success ..	30	34	No change.
Do. ..	Do. ..	32	34	Do.
Carried ..	Do. ..	32	30	Do.
Lost ..	Do. ..	35	37	Carried.
Do. ..	Do. ..	27	31	No change.
Carried ..	Do. ..	30	24	Do.
Do. ..	Do. ..	28	25	Do.
Do. ..	Do. ..	33	21	Do.
Do. ..	Do. ..	16	1	Do.
Lost ..	Do. ..	8	21	Do.
Do. ..	Do. ..	11	11	(?)
Do. ..	Do. ..	6	11	No change.
Do. ..	Do. ..	17	22	Do.
Do. ..	Do. ..	5	11	Do.
Carried ..	Do. ..	8	3	Do.

(Appendix C)

APPENDIX

Year	Motion	Ayes	Noes
1925— <i>contd.</i>	25. Mr. S. K. Bole's motion that his Bill No. XIX of 1925 (City of Bombay Municipal Act Amendment Bill) be read a first time	13	26
	26. Mr. Noor Mahomed's motion that his Bill No. XX of 1925 (Local Boards Act Amendment Bill) be read a first time	33	11
	27. Rao Bahadur S. N. Angadi's resolution for the establishment of a medical school at Belgaum	11	21
	28. Moulvi Rafiuddin Ahmad's resolution in connection with the Urdu Training College at Poona	7	17
	29. Khan Saheb A. M. Mansuri's resolution for the removal of the liquor shop at Patharkuva, Ahmedabad.. .. .	2	18
	30. Mr. Noor Mahomed's amendment to clause 58 of the Bombay City Municipalities Bill (Bill No. XVI of 1925)	6	7
1926	1. Dr. M. K. Dixit's motion to omit provision for technical advisor for orthopaedics.	33	42
	2. Mr. H. B. Shivasani's motion to omit the provision of Rs. 59,200 for five Assistant Directors of Public Health..	6	43
	3. Mr. A. F. I. K. Pathan's amendment to clause 3 of Bill No. XIV of 1926 (Bombay City Municipalities Act Amendment Bill)	12	32
1927	1. Mr. Firodea's amendment to clause 2 of Bill No. IV of 1927 to amend the City of Bombay Improvement Trust Transfer Act, 1925	25	41
	2. Mr. G. I. Patel's motion to reduce by Rs. 20,000 the provision of Rs. 70,014 for construction of vats at Nasik Distillery	29	49
	3. Mr. Pahalajani's amendment to refer Bill No. XV of 1927 further to amend the Bombay Local Boards Act, 1923, to a Select Committee	35	42
	4. Mr. Chikodi's amendment to clause 4 of Bill No. XV of 1927 further to amend the Bombay Local Boards Act, 1923..	63	Nil

(Appendix C)

C—contd.

Result of division	Government success or defeat		If official <i>bloc</i> omitted, the result would have been		
			Ayes	Noes	Result
Lost ..	Success	..	13	11	Carried.
Carried ..	Do.	..	15	11	No change.
Lost ..	Do.	..	11	3	Carried.
Do. ..	Do.	..	7	1	Do.
Do. ..	Do.	.	2	1	Do.
Do. ..	...		....	....	No change.
Do. ..	Success	..	33	22	Carried.
Do. ..	Do.	..	6	23	No change.
Do. ..	Do.	..	12	12	(?)
Do. ..	Do.	..	25	22	Carried.
Do. ..	Do.	..	29	27	Do.
Do. ..	Do.	..	35	21	Do.
Carried ..	Do.	..	43	<i>Nil</i>	No change.

Year	Motion	Ayes	Noes
1927— <i>contd.</i>	5. Motion that clause 13 of Bill No. XV of 1927 further to amend the Bombay Local Boards Act, 1923, stand part of the Bill	52	32
	6. Motion that clause 14 of Bill XV of 1927 further to amend the Bombay Local Boards Act, 1923, stand part of the Bill	52	23
	7. Mr. R. G. Pradhan's amendment to clause 8 of the Bombay University Bill	21	70
	8. Motion to sanction grant for expenditure on Congress of Far Eastern Association of Tropical Medicine	32	44
	9. Mr. Jog's amendment to the Co-operative Societies Bill	40	31
	10. Mr. Swaminarayan's motion that Bill No. VIII of 1927 to amend the Bombay Local Boards Act be read a first time.	26	49
	11. Mr. Asavle's amendment to clause 12 of the Cotton Markets Bill	11	29
	12. Rao Bahadur Kale's amendment to clause 6 of Cotton Markets Bill	31	31
	13. Mr. R. G. Pradhan's amendment to clause 10 of the Bombay University Bill	23	56
	14. Motion that clause 12 of the Bombay University Bill stand part of the Bill..	53	24
	15. Mr. Ginwala's amendment to clause 13 of the Bombay University Bill	31	49
	16. Mr. Jadhav's amendment to clause 13 of the Bombay University Bill	14	55
	17. Mr. Asavle's amendment to clause 13 of the Bombay University Bill	26	53
	18. Mr. Noor Mahomed's amendment to clause 13 of the Bombay University Bill	24	46
	19. Mr. Noor Mahomed's amendment to clause 13 of the Bombay University Bill	26	49
	20. Mr. Swaminarayan's amendment to clause 17 of the Bombay University Bill	11	45
	21. Mr. Jadhav's amendment to clause 20 of the Bombay University Bill	21	48

(Appendix C)

C—contd.

Result of division	Government success or defeat	If official <i>bloc</i> omitted, the result would have been		
		Ayes	Noes	Result
Carried ..	Success ..	31	32	Lost.
Do. ..	Do. ..	33	23	No change.
Lost ..	Do. ..	21	49	Do.
Do. ..	Defeat ..	12	44	Do.
Carried ..	Do. ..	40	11	Do.
Lost ..	Success ..	26	27	Do.
Do. ..	Do. ..	11	8	Carried.
Carried with President's casting vote.	Defeat ..	31	12	No change.
Lost ..	Success ..	23	36	Do.
Carried ..	Do. ..	33	24	Do.
Lost ..	Do. ..	31	28	Carried.
Do. ..	Do. ..	14	35	No change.
Do. ..	Do. ..	26	33	Do.
Do. ..	Do. ..	24	26	Do.
Do. ..	Do. ..	26	28	Do.
Do. ..	Do. ..	21	27	Do.
Do. ..	Do. ..	21	27	Do.

(Appendix C)

APPENDIX

Year	Motion	Ayes	Noes
1927—concl'd.	22. Motion for first reading of Mr. Asavle's Bill No. XXV of 1927 to amend the Bombay City Municipal Act ..	21	56
	23. Motion for first reading of Mr. Bole's Bill No. XXVI of 1927 to amend the Bombay City Municipal Act	17	50
	24. Mr. Pahalajani's motion that Bill No. XXIII of 1927 to amend the Bombay City Municipal Act be adjourned to the next July session	48	18
	25. Motion for first reading of Mr. Swaminarayan's Bill No. XXIX of 1927 to amend the Bombay City Municipalities Act	6	39
	26. Mr. Swaminarayan's motion that Dr. Dixit's resolution regarding School Text Books Rules be adjourned to the next session	13	31
1928 ..	1. Mr. S. C. Joshi's motion to reduce by Rs. 100 the provision of Rs. 13 lakhs for the University	34	30
	2. Mr. Swaminarayan's motion that the consideration of clause 5 of the University Bill be adjourned to the July session	13	47

(Appendix C)

C—*concl.*

Result of division	Government success or defeat	If official <i>bloc</i> omitted, the result would have been		
		Ayes	Noes	Result
Lost ..	Success ..	21	36	No change.
Do. ..	Do. ..	17	31	Do.
Carried ..	Do. ..	29	18	Do
Lost ..	Do. ..	6	19	Do.
Do ..	Do. ..	13	11	Carried.
Carried ..	Defeat ..	31	9	No change.
Lost ..	Success ..	13	25	Do.

(Appendix D)

APPENDIX D

Summary of Divisions on Transferred Subjects

Year		Total No. of divisions	No. of divisions in which Govern- ment were neutral	No. of Govern- ment defeats	No. of Govern- ment successes	If official <i>bloc</i> omitted, No. of addi- tional Government defeats	No. of ties
1921	..	3	..	2	1	....	..
1922	..	17	..	4	13	4	..
1923	..	4	1	1	2	1	..
1924	..	19	..	10	9	4	1
1925	..	30	1	..	29	11	..
1926	..	3	..	..	3	1	1
1927	..	26	..	3	23	7	..
1928	..	2	..	1	1	....	..

(Appendix E)

APPENDIX E

Days of Business

Session	Opening and closing dates	Total number of working days	Number of days on which non-official business was transacted	Number of days allotted for non-official business
First session, 1921 ..	19th February 1921 to 28th February 1921.	8	Nil.	Nil.
Second session, 1921 ..	1st March 1921 to 22nd March 1921.	18	6	6
Third session, 1921 ..	25th July 1921 to 4th August 1921.	10	8	5
Fourth session, 1921 ..	28th September 1921 to 10th October 1921 and 21st November 1921.	12	6	5
First session, 1922 ..	20th February 1922 to 18th March 1922.	22	2	4
Second session, 1922 ..	21st July 1922 to 31st July 1922.	9	3	3
Third session, 1922 ..	21st September 1922 to 7th October 1922 and 4th December 1922 to 16th December 1922.	14 and 12	3 and Nil.	3 and Nil.
First session, 1923 ..	19th February 1923 to 15th March 1923.	21	5	3
Second session, 1923 ..	8th June 1923 and 9th June 1923.	2	Nil.	Nil.
Third session, 1923 ..	30th July 1923 to 6th August 1923.	7	5	5
First session, 1924 ..	18th February 1924 to 20th February 1924.	27	5	5
Second session, 1924 ..	21st July 1924 to 1st August 1924.	11	5	5
Third session, 1924 ..	13th October 1924 to 25th October 1924.	12	4	5

CHAPTER VIII—THE LEGISLATURE

(Appendix E)

APPENDIX E—*contd.*

Session	Opening and closing dates	Total number of working days	Number of days on which non-official business was transacted	Number of days allotted for non-official business
First session, 1925	.. 19th February 1925 to 19th March 1925.	22	2	2
Second session, 1925	.. 20th July 1925 to 15th August 1925.	20	6	9
Third session, 1925	.. 20th October 1925 to 5th November 1925.	14	5	5
First session, 1926	.. 22nd February 1926 to 20th March 1926.	23	2	2
Second session, 1926	.. 26th July 1926 to 6th August 1926.	10	8	8
First session, 1927	.. 18th February 1927 to 17th March 1927.	23	2	2
Second session, 1927	.. 18th July 1927 to 6th August 1927.	18	5	9
Third session, 1927	.. 29th September 1927 to 18th October 1927.	16	5	5
First session, 1928	.. 20th February 1928 to 19th March 1928.	24	1	2

(Appendix F)

APPENDIX F

Adjournment Motions

Yes	Motion	Result
1921	1. For the appointment of a Committee to consider the Budget in detail.	Ruled out of order as it was not a definite matter of urgent public importance so as to interfere with the ordinary business of the day.
	2. For considering the action of the Collector of Kaira in forcibly taking possession of municipal school buildings at Nadlad.	Motion withdrawn.
	3. For appointing a committee to make inquiries into the circumstances connected with firing at Dharwar on 1st July 1921.	Ruled out of order as the subject-matter of the motion was under adjudication of a court of law.
	4. For inquiring about the firing incident at Matiar.	Motion discussed and lost.
1922	1. To discuss the introduction of a third enclosure at the race course.	Motion not discussed.
1923	1. To discuss the arrest and imprisonment of Khan Sahab Sher Muhammad Khan Bijarani, M.L.C.	Motion withdrawn after discussion.
	2. In connection with the persistent and unsatisfactory way of answering interpellations by Government.	Motion not discussed.
1924	1. To discuss the Mill Strike in Bombay.	Motion talked out.
	2. Regarding official members' interference with right of free exercise of vote.	Leave refused by the Council.
	3. Regarding Lord Olivier's Statement.	Motion carried.
	4. Regarding the framing of a new rule by the Government of India regarding presentation of rejected or refused estimates.	Motion discussed and lost.
	5. In connection with the Kenya question.	Disallowed by the Governor.
1925	1. Regarding Bombay's provincial contribution.	Motion carried.
	2. In connection with the Reforms Enquiry Committee's Report.	Do.
	3. To consider the grave situation in Bombay Cotton Textile Industry.	Do.
	4. To discuss the proclamation issued by the District Superintendent of Police, Kolaba, on the 9th September 1924 in the matter of processions on public roads.	Disallowed by the President as the subject matter could not be said to be a matter of urgent public importance.

(Appendix F)

APPENDIX F—*contd.*

Year	Motion	Result
1925— <i>contd.</i>	In connection with the highly unsatisfactory and disappointing character of the statement on India made in the House of Lords by Lord Birkhead, Secretary of State for India.	Disallowed by the Governor.
1926	For discussing the second <i>ad interim</i> report of the Advisory Committee dealing with the Bombay Reclamation Scheme.	Consent refused by the President on the grounds that the subject-matter of the motion was discussed during the budget discussion and also a full discussion would also ensue on the demand for budget grant for Development Department; also that the motion could not be termed as "urgent" and thirdly, that a resolution on the subject was already tabled.
	Regarding the Currency Commission's Report.	Motion disallowed by the Governor.
	In connection with police torture at Mehunbara in East Khandesh.	Disallowed by the President under Rule 12 (iv) of the Bombay Legislative Council Rules, as it anticipated a matter already put for discussion.
	4. In connection with the replies given by the Home Member to the questions about alleged torture by the police in East Khandesh.	Disallowed by the President under rule 12 (v) read with rule 23 (i) and (iii).
1927	1. To discuss the situation created by failure of crops.	Disallowed by the President on the ground that the subject-matter of the motion was not of recent occurrence; secondly that the motion was not urgent, and thirdly, as taking away the valuable time of the House.
	To consider the matter of transfer of Aden to the Imperial Government.	Leave was not granted by the House.
	To discuss the condition of the people in various parts of Gujarat owing to heavy rainfall and floods.	Motion talked out.
	In connection with the action of Government in giving sanction to a public servant of Government to prosecute a member of the Legislative Council for certain remarks made by him in the course of his giving evidence before the Mearns Committee appointed by the Government of India.	Notice withdrawn.

(Appendix F)

APPENDIX F—*concl'd.*

Year	Motion	Result
1927— <i>cont'd.</i>	5. To discuss the decision of the East India Cotton Association, Ltd., to cancel all restrictions regarding trading hours with effect from 3rd October 1927.	Disallowed by the President as the subject matter of the motion was not a matter of urgent public importance.
	6. In connection with the Viramgam Customs Cordon.	Disallowed by the President as the motion could not be considered as urgent for the purposes of Rule 12 and Standing Order VII.
	7. To consider the orders passed by Government on the recommendations contained in the report of the non-official members of the Forest Grievances Committee.	Disallowed by the President as the subject matter of the motion could not be considered as urgent.
1928 ..	1. In connection with the issue of notices of coercive process to some inhabitants of Bardoli Taluka who refused to pay enhanced land revenue demands.	Disallowed by the President.
	2. Do. (by another member).	Disallowed by the President.
	3. Regarding the Mill strike in Bombay.	Notice withdrawn.
	4. Do. (by another member).	Do.
	5. Do. (by another member).	Do.
	6. Regarding Bardoli Taluka enhanced assessment.	Ruled out of order.

(Appendix G)

APPENDIX G

Subjects on which questions have been asked (arranged according to the Department concerned)

Political Department :

Deccan Sardars.
Saranjams.

Passports.
Inter-provincial migration.

Finance Department :

Public Services.
Takavi.
Budgets.
Taxation.

Cash Allowances.
Pensions.
Public Holidays.
Insurance.

Revenue Department :

Posts and Telegraphs.
Customs.
Territorial Changes.
Land Revenue Administration.
Famine Relief.
Agriculture.
Fisheries.
Co-operative Societies.
Forests.
Land Acquisition.

Excise.
Stamps.
Registration.
Religious Endowments.
Minor Ports.
Pounds and Cattle Trespass.
Forced Labour.
Hill Stations.
Entertainments Duty.

Home Department :

Auxiliary Force.
Law and Order.
Police.
Gambling.
Motor Vehicles.
Civil and Criminal Law and its administration.

Deccan Agriculturists' Relief Act.
Prisons and Prisoners.
Criminal Tribes.
Riots.
Press and Publicity.
Arms.
Censorship.

General Department :

Major Ports.
Census.
Haj Pilgrimage.
Local Self-Government.
Medical Administration and Health.

Education.
Industries and Industrial Disputes.
Stores.
Rent Act.
Pilgrimages, Fairs and Festivals.

Legal Department :

Elections to Legislatures.
Legislative Bodies.

Public Prosecutors.

Public Works Department :

Roads and Communications.
Buildings.

Irrigation.

Development Department :

Bombay Development Schemes.

(Appendix H)

APPENDIX H

Resolutions moved in the Council

Year	Session	Resolution	Result
1921..	I	<i>Nil</i>	
	II	<p>This Council recommends that the annual exodus of Government to Mahabeshwar is unnecessary and inexpedient, interfering with the efficiency of the administrative work, and recommends that it should be discontinued.</p> <p>This Council recommends to His Excellency the Governor in Council and acting with Ministers that in view of the need of more money for carrying out the various items of expansion and development in the new scheme of reforms it is necessary to appoint a committee for (a) inquiry into the possibility of effecting retrenchment in the ordinary expenditure of the various departments and (b) formulating proposals for new sources of remunerative taxation.</p> <p>This Council recommends that the Bombay Veterinary College should be affiliated to the Bombay University.</p> <p>That this Council recommends that one-fifth of the gross excise revenue of each district should be made over to the local board of that district for sanitation and education.</p> <p>That this Council recommends that the remuneration of the Ministers shall be paid at not more than Rs. 3,000 a month.</p> <p>This Council recommends to the Governor in Council that in view of the several dacoities and thefts recently committed in Bombay he will be pleased to take steps to replenish the depleted police forces and if necessary to increase the same.</p> <p>This Council recommends that appointments in public offices filled by the Provincial Service shall be regulated in proportion of populations and that the election of candidates by competition, merit or recommendation shall be made from the respective divisions with power to the authorities concerned to fill up the vacancies temporarily in such cases where candidates from other divisions be not available.</p> <p>This Council recommends that steps may be taken to make the Development Department of Government a Transferred Department to be placed in charge of a Minister.</p> <p>This Council recommends that Government should take steps to start experimental forest industries in the forest districts of Kolaba, Thane, Kanara and others.</p> <p>That this Council recommends that in future educational grants to municipalities in respect of primary education should be raised from one-half to two-thirds of their annual expenditure.</p> <p>This Council recommends to His Excellency the Governor and acting with the Ministers that the Satara-Koregaon Railway project may immediately be taken in hand.</p> <p>That this Council recommends that disqualification of women contained in the Bombay Electoral Rules be removed by deleting rules Nos. 5 (1) (b) of Part II, 7 (1) (b) of Part III, and 20 (1) (b) of Part V.</p> <p>That this Council recommends to His Excellency the Governor that a committee be appointed to consider the question of the revision of pay of talatis.</p> <p>That this Council recommends that the term of office of the councillors nominated or elected under the District Municipal Act and the District Local Boards Act be extended from three to seven or at least five years.</p> <p>That this Council recommends that the Government may be pleased to appoint a committee with non-official majority to make inquiries into the grievances as to the excessive fares and other inconveniences and hardships of the passengers by the Konkan ferry steamers and to suggest means to remove them.</p>	<p>Lost after discussion. (Government against resolution.)</p> <p>Carried after a division against Government opposition.</p> <p>Withdrawn.</p> <p>Withdrawn.</p> <p>Withdrawn.</p> <p>Carried after a division with Government support.</p> <p>Withdrawn</p> <p>Carried in an amended form</p> <p>Withdrawn.</p> <p>Ruled out of order.</p> <p>Lost.</p> <p>Withdrawn.</p> <p>Withdrawn.</p>

CHAPTER VIII—THE LEGISLATURE

(Appendix H)

Year	Session	Resolution	Result
1921—	II—	<p>This Council recommends that the members of the Council shall be supplied by the Government from time to time, without any charge, the following official publications: (1) the report of the daily debates in the Council, (2) the <i>Bombay Government Gazette</i>, (3) the copies of the Acts and Regulations, (4) Administrative reports of all departments of the Government; and (5) reports of such commissions and committees as may be appointed.</p> <p>This Council recommends to His Excellency that, in view of the discontent widely prevalent in Kanara, as a result of the operations of the Forest Department, a committee consisting of two officials and two non-officials, with a non-official President, be appointed to enquire into the grievances of the people, and to indicate ways and means to fully and adequately meet all legitimate grievances.</p> <p>This Council recommends that works in the Mulshi peta of the Poona district on account of the Tata hydro-electric works be stopped till this Council fully examines the scheme and considers the agreement, if any, to be formed by the Government with the said company.</p>	<p>Carried in an amended form.</p> <p>Carried.</p> <p>Carried in amended form.</p>
	III	<p>This Council recommends to the Government that the sex disqualification for registration on the electoral roll imposed by rule 7, clause 1, sub-clause (b) of the Bombay Electoral Rules be removed in respect of women generally.</p> <p>This Council recommends to His Excellency the Governor in Council to consider the desirability of creating a City Court for the Town and Island of Bombay, with jurisdiction to receive, try and dispose of all suits and other proceedings of a civil nature not exceeding Rs. 5,000 in value except suits or proceedings which are cognizable—</p> <p>(a) by the High Court as a Court of Admiralty or Vice-Admiralty or as a Colonial Court of Admiralty or as a Court having testamentary, intestate, or matrimonial jurisdiction;</p> <p>(b) by the Court for the relief of insolvent debtors;</p> <p>(c) by the Small Causes Court, Bombay.</p> <p>This Council recommends to the Governor in Council to take early steps to bring into existence suitable machinery for the prevention and early settlement of labour disputes.</p> <p>This Council recommends to the Government that all the babul trees grown in village tanks be sold and the proceeds utilized in repairing such tanks, and that if additional funds be required to get the tanks thoroughly cleansed, the necessary funds be made available from famine grants provided in the budget.</p> <p>This Council recommends to Government that a committee of three officials and six non-officials shall be appointed to draw up a scheme for Land Mortgage Loan Act with a view to including the co-operative societies rules and replacing the Tagal, the Deccan Agriculturists' Relief Act as well as the Land Improvement Acts.</p> <p>This Council recommends that Government will be pleased to appoint qualified and experienced practising lawyers direct from the bar to the newly created posts of district judges in the Presidency in pursuance of the policy laid down in Government of India Resolution No. 2550, dated the 1st December 1920, and republished on the 11th idem in the <i>Bombay Government Gazette</i> of the 16th idem.</p> <p>This Council recommends to the Governor in Council that the Department of Industries should be staffed by Indian officers and that in the eventuality of the present Director of Industries being appointed elsewhere, an Indian gentleman of industrial and commercial qualifications be appointed as Director of Industries.</p> <p>In view of bringing the education within the reach of the depressed classes this Council recommends to Government that free and compulsory education should be brought into force as early as possible.</p>	<p>Carried after a division (Government voting free).</p> <p>Withdrawn.</p> <p>Carried in an amended form.</p> <p>Lost.</p> <p>Withdrawn.</p> <p>Lost by the President's casting vote. (Government against resolution.)</p> <p>Withdrawn.</p> <p>Carried in amended form.</p>

(Appendix H)

Year	Session	Resolution	
1931—	III— contd.	<p>This Council recommends to the Government of Bombay that under sections 45 and 48 of Bombay Act V of 1879 (Bombay Land Revenue Code) immediate steps be taken to see that all village sites of gaothans in the Bombay Presidency are assessed at the rate of 4 annas per guntha or Rs. 10 per acre.</p> <p>That in view of the necessity to examine the excise policy and administration of the Bombay Presidency this Council recommends to Government to appoint a committee which will collect evidence if necessary in various chief districts of the Presidency and report upon the following points:—</p> <ol style="list-style-type: none"> (1) Prohibition—whether evolutionary or legislative, how to replace the revenue derived from excisable commodities if absolute prohibition is enforced. (2) Whether the fixed vend. fee system for the sale of the country liquors should be substituted for the auction system, and if so, in what areas. (3) Whether in any cities the excise advisory committees should be converted into licensing boards with power to determine the number and situation of shops for the sale of excisable commodities, and if so, in which cities and with what changes in the constitution of the committees this experiment should be introduced. (4) Whether it is necessary to fix a minimum number of liquor and drug shops. (5) Whether there should be any change in the hours of sale of liquor and drugs. (6) Whether any variation should be made in the incidence of the duty levied upon excisable commodities to give effect to the policy of raising the maximum of revenue, while limiting consumption to a minimum. (7) Whether any and what amendments should be made in the Bombay Presidency Excise Act and the rules made thereunder. (8) And any more points which the Government may think proper to investigate. <p>This Council recommends to Government that a committee of officials and non-officials be appointed to suggest ways and means for compensating such of the liquor shopkeepers in Bombay and other parts of the Bombay Presidency as have suffered great losses from the system of picketing.</p> <p>That a loyal address of welcome by this Council be presented to His Royal Highness the Prince of Wales and a committee consisting of the following gentlemen be appointed to draft the address. The President, the Vice-President, the Honourable Mr. Hayward, the Honourable Mr. Paranjpye, Mr. Chuni Lal Gandhi, Mr. Pahajani, Rao Bahadur Chitale, Rao Bahadur Kale, Rao Bahadur Sathe, Mr. Cowasji Jehangir and Mr. Haji.</p> <p>The quadrupling and electrification of the suburban lines being one of the most important measures in the scheme for the development of Bombay, without which the city will not benefit to the fullest extent by the vast expenditure now being incurred in the north of the island and Salsette, this Council recommends to Government that a strong representation should be made to the Government of India that arrangements should be made immediately to provide the necessary annual allotments of funds to the railways concerned to enable the works to be completed without further delay.</p> <p>This Council recommends to the Governor in Council that in view of the vast and alarming extent of the evils of prostitution in Bombay and of the great menace and danger which the existence of a large number of brothel houses constitutes to public morals, health and decency, Government should at an early date introduce such legislation in this Council as would have the effect, when passed, of making brothel-keeping altogether illegal and would make it a punishable offence for persons to live on the earnings gained by the prostitution of women and girls.</p> <p>This Council recommends to Government that within a period of not more than ten years not less than half the higher and four-fifth of the lower appointments in each grade of the service and so far as possible in each office shall be filled by members of communities other than the Brahmin community, preference being given to the duly qualified candidates of the Maratha and the depressed classes when such are available.</p>	<p>Carried in an amended form.</p> <p>Carried.</p> <p>Do.</p> <p>Withdrawn.</p> <p>Do</p>

(Appendix H)

Year	Session	Resolution	Result
1921— contd.	IV— contd.	<p>This Council recommends that the executive and judicial functions be separated from 1st of January 1923—</p> <p>(a) by investing Subordinate Judges with magisterial powers wherever possible;</p> <p>(b) by the appointment of resident magistrates;</p> <p>(c) by taking such other steps as may be necessary and desirable for effecting the separation.</p> <p>That this Council recommends to the Government to convey to the Government of India this Council's strong opinion that whereas under the Reforms the Central Government will share the benefits of the Sukkur Barrage Scheme—a highly productive scheme—but cannot share the liabilities, material assistance should be given by means of annual assignments from Central to Provincial revenues, covering the whole of the interest up to the 9th year and an appreciable portion of the cost with a view to make the scheme practicable and profitable both to Central and Provincial Revenues.</p> <p>In order that the cultivators in the irrigated districts should have full justice in the distribution of supply of water and to lessen the present number of complaints against the current method of distribution, it is the opinion of this Council that a standing committee of influential cultivators in every irrigated village, should be appointed to act in co-operation with Government officers for distributing water and for settling disputes.</p> <p>This Council recommends that the College of Engineering at Poona should be expanded at an early date so as to make it capable of admitting from 100 to 150 students every year to the Engineers' classes instead of the present number of 60.</p> <p>In view of the need of bringing some medical relief within an easy reach of the masses and the fact that about 90 per cent. of the population take advantage of the Ayurvedic and Unani systems of medicine, this Council recommends to Government to appoint a committee to report on the question of the recognition and encouragement of the indigenous systems of medicine and of establishing and encouraging institutions where the systems can be studied systematically and scientifically and where research and experimental work in the Indian materia medica can be scientifically undertaken.</p>	<p>Lost by the President's casting vote (Government against resolution).</p> <p>Carried.</p> <p>Carried in an amended form.</p> <p>Carried.</p> <p>Carried in an amended form.</p>
1922	V	<p>This Council recommends to His Excellency the Governor in Council that immediate steps be taken to vest criminal jurisdiction purely in the judicial officers without any executive duties, controlled in all matters, including their postings, salaries and promotion, by the Sessions Court and the High Court.</p> <p>This Council further recommends that the change above recommended be effected by strengthening the cadre of subordinate judges by creating a grade of Rs. 200 per mensem and by appointing full-time resident magistrates of the first class out of the cadre of the subordinate judges whose time is not fully occupied with civil work.</p> <p>That this Council recommends to His Excellency the Governor in Council to make a representation to the Government of India on the advisability of opening a School of Research in Tropical Medicine in Bombay in view of the many advantages of having such a school near the gateway of India rather than at Delhi.</p>	<p>Carried after a division (Government neutral).</p> <p>Carried.</p>
	VI	<p>This Council recommends to His Excellency the Governor in Council to be pleased to take steps, as early as possible, either by necessary changes in the rules, or by executive orders, or by legislation to accord to all "political prisoners" a treatment similar to that, given to political prisoners or first class misdemeanants in England.</p> <p>This Council recommends to Government that no new scheme involving reclamation of land from the sea should be taken in hand in the city of Bombay till the reclamation schemes already notified are completed and the land so reclaimed is disposed of.</p>	<p>Carried after a division against Government opposition.</p> <p>Withdrawn.</p>

(Appendix H)

Year	Session	Resolution	Result
1922— contd.	VI— contd.	<p>With a view to give adequate remuneration to the revenue and police patels, this Council recommends to Government that the Wingate scale in force may be revised in the Deccan only as follows :—</p> <p>Deccan— Rs. 9 per cent. for the first thousand. " 4 " " second " " 3 " " third "</p> <p>The scale for every thousand further may be revised at 1 per cent.</p> <p>The scale for Chawary and Potgi expenses— Population 1 to 100 .. Rs. 6.</p> <p>Further Rs. 3 per cent. or part of per hundred and the maximum amount should not exceed Rs. 90.</p> <p>The scale of special Mushahira— In addition to the above scale for the ordinary remuneration of patels, special remuneration may be granted in all cases as follows :—</p> <p>Class I—Places such as described under Class II, but the ordinary land revenue of which gives small emoluments to the patel—Special allowance, Rs. 150.</p> <p>Class II—Large centres of traffic and important railway stations—Special allowance, Rs. 60.</p> <p>Class III—Extraordinary large or troublesome places in the district, being market towns—Special allowance, Rs. 60.</p> <p>Class IV—Ordinary large places in the district—Special allowance, Rs. 30.</p> <p>This Council recommends to Government to appoint a committee of officials and non-officials with a majority of non-officials to consider and suggest the requisite legislation for the reorganization of the Bombay City police force in order to increase the number of the Indians in the responsible posts of the Inspectors, superintendents, and other high posts in the administrative department.</p> <p>That this Council recommends to Government to appoint a selection board to recommend candidates for appointment in the various departments in the Central and Southern Divisions for the purpose of recruitment of the backward communities including the Marathas.</p> <p>This Council recommends to Government to investigate through a committee the causes that have led to the scarcity of capital in rural areas for agricultural operations and to adopt measures to meet the growing demand for cheap capital in those areas.</p>	Withdrawn.
	VII	<p>This Council recommends to His Excellency the Governor in Council that a committee be appointed to consider the question of readjusting the existing division of Khandesh for revenue and judicial purposes.</p> <p>This Council recommends that steps be taken to appoint three probationers to the posts of mamlatdars in the Southern Division of the Bombay Presidency this year from qualified non-Brahmins.</p> <p>This Council recommends to Government the desirability of making the Jail Manual and other departmental manuals available to the general public for purchase at reasonable rates.</p> <p>That this Council recommends to Government that a committee should be appointed to inquire into the present status of the share bazaar of Bombay and into the alleged huge gambling transactions recently reported and to recommend to Government what action, if any, is necessary that the stock exchange may be put upon such a basis as will effectually stop all further so-called "corners" resulting as they do in effectually curtailing the flow of investors' capital into the industries of Bombay and tarnishing the fair fame of this great city.</p>	<p>Carried.</p> <p>Withdrawn.</p> <p>Withdrawn.</p> <p>Withdrawn.</p> <p>Lost.</p> <p>Carried.</p> <p>Carried in an amended form.</p>

(Appendix H)

Year	Session	Resolution	Result
1922— contd.	VII— contd.	<p>This Council recommends that the Government should see its way to introduce the following rule in Grant-in-aid Code : that in all schools and colleges which receive Government aid in any form whatsoever the attendance by students to any class of special religious instruction, which the parents or guardians of such students shall not have sanctioned, would be perfectly voluntary and that no payment in grant-in-aid should be made to any institution which will contravene the provisions of this rule.</p> <p>That this Council recommends that a committee be appointed by Government to make enquiries into the grievances of the tenants holding lands under the khoti system in the Ratnagiri and Kolaba Districts.</p> <p>This Council recommends to Government to appoint a committee consisting of officials and non-officials, with a majority of the latter, to inquire into the grievances of the prisoners in the Viaspur Jail, and to suggest ways and means to remove them.</p> <p>This Council recommends to Government that the practice of touring officers hiring carts and buying provisions through officers and servants of Government be discontinued.</p> <p>That for the purpose of reducing the excessively high proportion of the advanced communities among the trained vernacular teachers in the Central and Southern Divisions, this Council recommends to Government to pass an order to give, during the next ten years, preference to the duly qualified candidates belonging to the non-Brahmin backward communities including the Marathas and the depressed classes at the time of admitting students to the various classes of the training institutions for vernacular teachers in the two Divisions.</p> <p>That this Council recommends to His Excellency the Governor in Council that all proposals for increasing the assessment of land revenue brought up before the Governor in Council be subject in future to a discussion of the same by the Legislative Council and the recommendations of the Council as a result of the discussions to be the guiding factor in the revision of the assessment of the land revenue.</p> <p>This Council recommends to the Government that they should not reduce the present rate of grant-in-aid to secondary schools.</p>	<p>Carried in an amended form.</p> <p>Withdrawn.</p> <p>Withdrawn.</p> <p>Withdrawn.</p> <p>Lost after a division (Govt. against resolution).</p> <p>Withdrawn.</p> <p>Ruled out of order.</p>
1923	VIII	<p>This Council recommends to the Government that, in view of the judgment of the Chief Presidency Magistrate and his remarks against Superintendent Carter in the case of Dr. S. F. Kapadia, Superintendent Carter be adequately punished in the interest of the good name of the police force and the safety of the public.</p> <p>This Council recommends to the Government the commutation of the Maharkhi vatan.</p> <p>This Council recommends that Government should add the following conditions in the license granted to the Committee of the Western India Turf Club under sub-section (2) of section 4 of the Bombay Race-courses Licensing Act, 1912 (Bombay III of 1912):—</p> <p>(a) that the licensees shall cause to run 20 per cent. races of the country-bred horses in a season in Bombay and Poona respectively.</p> <p>(b) That the licensees shall offer 20 per cent. of total stakes money for races of the country-bred horses.</p> <p>This Council recommends to Government not to recover the amount of money which is to be recovered from the citizens of Bombay in connection with the disturbances that took place in November 1921 at the time of the Royal visit.</p> <p>That for the purpose of reducing the excessively high proportion of the advanced communities among the untrained vernacular teachers in the Central and Southern Divisions, this Council recommends to His Excellency the Governor acting with his Minister to pass an order to give during the next ten years preference to the duly qualified candidates belonging to the non-Brahmin backward communities including the Marathas and the depressed classes at the time of making temporary and permanent appointments in the two Divisions.</p>	<p>Carried after a division against Government opposition.</p> <p>Withdrawn.</p> <p>Lost.</p> <p>Lost.</p> <p>Lost after a division (Govt. against resolution).</p>

(Appendix H)

Year	Session	Resolution	Result
1922— contd.	VIII— contd.	This Council recommends to His Excellency the Governor in Council that the second revision settlement of the Malsiras taluka in the Sholapur District for the year 1920-21 should be suspended altogether till the Nira Right Bank canal comes into actual use for the agriculturists and the Rarsi Light Railway actually begins to work in the Taluka.	Carried after a division against Government opposition.
	IX	NIL.	
	X	This Council being of the opinion that the procedure followed by the Governor in Council in regard to special additional pensions under Article 475, Civil Service Regulations, is prejudicial and unfair to Indians, and being dissatisfied with the reasons given by the Government for refusing such pension to Mr. J. K. N. Kabraji, late Collector of Surat, recommends to the Government that their decision in regard thereto be revised in view of the opinion of this Council that Mr. Kabraji, as Collector for nearly 24 years, has shown no less special efficiency and energy than European officers who have been given such special additional pensions.	Carried after a division against Government opposition.
		This Council recommends that all estates possessed by the Thakors and the Talukdars of Gujarat held on Inam (technically called Sanadhis) tenure should be exempted under section 135-A of the Land Revenue Code from the operation of the Record of Rights.	Withdrawn.
		That this Council recommends that the Government be pleased to make provision forthwith for giving the town of Shikarpur a first class sub-judge—a measure that has been in view of its necessity and statistics obtained, since long administratively sanctioned.	Carried in an amended form.
		This Council recommends to the Government that early steps be taken to prepare as complete a programme as possible for the removal of the admitted insufficiency of water supply even for drinking purposes during the hot season in the Kolaba District by— (a) boring in suitable places, (b) bunding the rivers and streams wherever feasible, and (c) such other means as may be deemed necessary.	Lost after a division (Government against resolution).
		This Council recommends to Government that the right of ownership of reserved trees such as teak, sandal, etc., that are situated on the land for which the owner pays assessment shall be conceded to the owner unconditionally even if such trees be situated within the forest demarcation.	Lost.
		That this Council is of opinion that the letters written by Dr. Nunan and Superintendent Carter in the public newspapers regarding the speech made by Mr. J. B. Petit in the Council in February 1923 is an objectionable practice and recommends to Government to discourage such practice in future.	Lost after a division (Government against resolution).
		This Council recommends to the Governor in Council that the practice of flogging prisoners for jail indiscipline should be abolished.	Do.
		This Council recommends to His Excellency the Governor in Council that, in order to bring the educationally backward classes such as the Marathas, Mahomedans, depressed classes and the like in a line with the advanced classes, greater facilities should be provided for them to get education of all kinds and that in the recruitment to public services preference should be given to persons of the aforesaid classes possessing the necessary minimum educational qualifications for the same.	Carried.
		This Council recommends that the untouchable classes be allowed to use all public watering places, wells and dharmshalas as well as public schools, courts, offices and dispensaries.	Carried in an amended form.
		This Council recommends to Government to declare the days on which general elections to the Legislative Council and the municipal corporation are held in the Presidency town to be public holidays.	Lost.
		This Council recommends to His Excellency the Governor in Council that an agricultural and industrial survey of the West Khandesh District be undertaken as soon as possible.	Withdrawn.

(Appendix H)

Year	Session	Resolution	Result
1928— contd.	X— contd.	This Council recommends to the Government that the orders recently issued modifying the practice of allowing one-third provincial grant-in-aid to aided institutions and abolishing the system of giving supplementary grants under the Grant-in-aid Code should be rescinded and the old practice restored.	Carried after a division against Government opposition.
1928	XI	That in view of the very harsh nature of the Surgeon General's rules as regards the fees and charges to be levied from in-door and out-door patients for attendance and operations at dispensaries and hospitals, this Council recommends to Government to rescind the orders passed by them since August 1923 accepting such rules.	Do.
		This Council recommends that the notification constituting the Surat district into three protected areas, viz., the South Surat Area, the Surat Area and the Oipad Area under clause 3 of the Cotton Transport Act (Act II of 1923) be cancelled and that the whole of the Surat District be notified as one protected area.	Carried against Government opposition.
		This Council recommends to the Governor in Council that a mixed committee of officials and non-officials with a non-official majority be appointed to consider the question of bringing the process of revising land revenue assessments under closer regulation by statute as recommended by the Joint Committee appointed to consider the Government of India Bill, 1919, and to report on the nature and form of the legislation that should be undertaken towards that end.	Carried after a division against Government opposition.
		This Council recommends to Government that the scale of pay suggested by the Honourable Messrs. Sahe and Paranjpye for teachers in the primary schools in the report of the committee appointed to advise Government in the matter of the revision of their salaries be brought into force immediately and that the teachers serving in the Island of Salsette, Kalyan and Dahanu town should get an allowance of 20 per cent. of their salaries owing to the dearness of living in those places.	Carried in an amended form.
		This Council recommends that adequate compensation be given to those persons (or their relatives) who have suffered injuries to life and property at the hands of the dacoits within recent times in Borwad and Anand talukas.	Carried.
		This Council recommends to the Governor in Council that the revision survey settlement recently introduced in Sangola taluka be withdrawn.	Carried after a division against Government.
		This Council recommends to the Governor in Council that Hamrat Mohani be released immediately and unconditionally.	Carried.
		This Council recommends to the Governor in Council that the salaries of the Presidency Magistrates other than the Chief Presidency Magistrate be fixed at Rs. 1,000—50—1,500.	Carried after a division (Government support).
		This Council recommends to the Governor in Council that the Act No. XLII of 1923 (an Act to make provision for the better management of Wakf property and for ensuring the keeping and publication of proper accounts in respect of such properties) be made applicable to the Presidency of Bombay.	Carried.
		That this Council recommends to Government that all bills, press-notes, etc., which, at present, are translated and published in the <i>Bombay Government Gazette</i> in Marathi, Gujarati, Kanarese and Sindhi should also be translated and published in the <i>Bombay Government Gazette</i> , in Urdu, for the benefit of the Urdu speaking population of the Presidency.	Do.
		This Council recommends to His Excellency the Governor in Council to appoint a committee of official and non-official members of this Council to inquire into the question as to whether the principles underlying the scale of levying <i>jama</i> from the talukdars of Ahmedabad are just and equitable, and if necessary, to suggest ways and means by which the question may be placed on a just and equitable basis.	Lost after a division (Government against resolution).
		This Council recommends to the Governor in Council to remove the ban against the entry of Mr. Benjamin Guy Horwman into India.	Do.

(Appendix H)

Year	Session	Resolution	Result
1924— <i>contd.</i>	XI— <i>contd.</i>	That this Council recommends to Government that the remaining period of supercession of the Surat Municipality be remitted, and that the Municipality be restored to the people of Surat forthwith.	Carried.
		This Council recommends to the Governor in Council that a mixed committee of official and non-official members of this Council, with a non-official majority, be appointed to consider the most suitable method or methods of fixing the anna-valuation of crops.	Do.
	XII	This Council recommends to the Governor in Council that in every district a council to be called the District Advisory Council be created, whose functions should be advisory which the Collector and District Magistrate should be bound to consult in all important matters and which should be composed as follows :— (1) The members of the Council to be partly ex-officio, partly nominated and partly elected. (2) The Collector, the Assistant and District Deputy Collectors, the City Magistrate and all members of the Legislative Council representing all constituencies in the district to be ex-officio members of the Council. (3) The elected members to be as many as there are talukas in the district, each taluka being represented by one member to be elected by those who have the right of election to the Legislative Council. (4) The Council to have an elective majority inclusive of the members of the Legislative Council. (5) A few members to be nominated by the Collector in consultation with the ex-officio members to represent minorities and backward communities in the district.	Lost after a division (Government against resolution).
		This Council recommends to Government that no revision of settlement in Sind be undertaken or enforced before the expiry of 20 years from the date of the last revision.	Carried.
		This Council recommends to His Excellency the Governor in Council to issue orders directing district officers to allow the representatives of the district in the several legislatures to see or obtain certified copies of the district administration reports excepting the confidential parts of such reports.	Do.
		This Council recommends to the Governor in Council that the unexpired portion of the sentence of two years' rigorous imprisonment and payment of a fine of five hundred rupees passed on Mr. Raghunath Ramchandra Divakar of Dharwar on the 12th November 1923, under sections 124-A and 153-A, Indian Penal Code, for having printed in Kanarese a booklet called 'Deshi Dumduni' be remitted and the said Mr. Divakar be released.	Carried in an amended form.
		This Council recommends to the Governor in Council the necessity of urging upon the Government of India the advisability of introducing legislation at an early date for the provision of adequate maternity benefits to women workers in all organised industries in India and to prohibit the employment of women during the period of such benefit.	Carried.
		This Council recommends to the Governor in Council that in view of the fact that the president of the Dhandhuka municipality has lost the confidence of the municipal board of that place, by his neglect of and incapacity to perform his duty, he may be removed from his office at as early a date as possible.	Withdrawn.
		This Council recommends to His Excellency the Governor in Council to appoint a committee consisting of official and elected non-official members, with a majority of the latter, to enquire into the grievances of the ryots with regard to forest matters and to suggest remedies for their redress.	Carried in an amended form.
		That this Council recommends to the Governor in Council that talag loans for the sinking of wells be advanced to cultivators free of interest, and that the amount should be recovered in convenient instalments being not less than fifteen, regard being had to the nature of the crops raised and the extent to which the working of the wells is successful.	Carried after a division against Government opposition.
		This House recommends to Government that the restrictions imposed on Vinayak Damodar Savarkar at the time of his release be withdrawn forthwith and that he be restored to complete liberty.	Lost after a division (Government against resolution).

(Appendix H)

Year	Session	Resolution	Result
1934— contd.	XII— contd.	This Council recommends to Government that the total prohibition of alcoholic drink and the total abolition of all traffic in alcoholic drink within the next ten years be immediately declared to be the goal of the excise policy of the Government of this presidency, and that this policy should be speedily carried out by— (a) recognising the right of local option, (b) adopting the system of rationing liquor, (c) adopting the system of gradual reduction of shops, (d) appointing and empowering elected local advisory committees, (e) adopting all other proper and necessary means, and (f) introducing legislation wherever necessary.	Carried in a amended form after a division against Government opposition.
		This Council recommends to Government that the benches of honorary magistrates in Sind be abolished.	Withdrawn.
	XIII	This Council recommends to Government that tagal loans be advanced free of interest to those persons whose houses or lands or cattle have been damaged by the recent floods in the river Sharavati in the Honavar taluka of the Kanara district for the following purposes and that the amount of the said loans be recovered in convenient instalments not less than 5, regard being had to the nature of the purpose for which the loans are advanced:— (1) reclaiming or improving lands damaged by the floods; (2) building new houses to replace old ones which have been demolished or repairing houses which have been damaged by the floods; (3) purchasing seed or bullocks for agricultural purposes; (4) repairing such dams damaged by the floods as belong to the village communities and not to Government.	Carried (Part 3 of the resolution was carried after a division against Government opposition).
		This Council recommends to Government that the convicts at present undergoing the sentences passed in connection with the murder of the mamlatdar of Akola be released.	Withdrawn.
		This Council recommends to the Governor in Council that steps be immediately taken to readjust the territorial jurisdictions of the subordinate judges' courts in the presidency so as to remove the inconvenience to litigants wherever possible.	Carried.
		This Council recommends to Government : (a) that a committee consisting of 12 non-official and elected members be appointed to inquire into the whole administration and working of the Development Directorate, to suggest ways and means of effecting retrenchments and to report on the advisability or otherwise of continuing the schemes taken in hand; (b) that the Development Directorate be requested to co-operate with the said committee and afford all facilities and help in conducting the said inquiry and in making the said report; (c) that an independent officer or expert be appointed to help the said committee.	Carried after a division against Government.
		This Council recommends to the Governor in Council that a committee with a non-official majority be appointed to enquire into the grievances of agriculturists in the presidency regarding forced labour being exacted by touring officers and other Government servants and to suggest measures for the prevention of such practice.	Carried in an amended form.
		This Council recommends to Government that all ancient mosques and mausoleums in the Ahmednagar city and district which are being utilised by Government or by non-Muhamadan bodies by permission of Government for secular purposes be vacated and handed over to the Mahomedan community on condition that they are to be used for the religious purposes for which they were originally erected by their founders and donors.	Carried.
	XIV	This Council recommends to the Governor in Council to prohibit fishing in the river Sabarmati near the town of Kasandra, South Daskroi, Ahmedabad district.	Withdrawn.
		This Council recommends to government to increase the scale of salaries of all peons in all Government establishments in the City of Bombay to Rs. 25 rising to Rs. 50 excluding the house allowance.	Carried.

(Appendix H)

Year	Session	Resolution	Result
1925— contd.	XIV— contd.	This Council recommends to Government that they may be pleased to appoint at an early date a committee to go into the question of — (a) Annual Reports; (b) Forms and Returns, with a view to reduction in the matter printed in annual reports and the revision or cancellation of forms and returns.	Withdrawn.
	XV	This Council recommends to His Excellency the Governor in Council that a mixed committee of official members of the Council nominated by Government and non-official members elected by the House, with a clear non-official majority, be appointed to hold an open enquiry and to take evidence with a view to investigate the entire question of the application of the Fallow Rules in Sind, and to make the necessary recommendations about the advisability or otherwise of abrogating or modifying such of the aforesaid rules as are operating harshly on the zamindars of Sind and of restoring to the original holders on the original terms of occupancy all lands that have hitherto been forfeited and are being either withheld or granted under restrictions.	Carried in an amended form.
		That in view of the ungenerous policy of Government towards the executive branch of the provincial civil service, this Council recommends to Government that a large number of superfluous appointments be forthwith thrown open to the members of the executive branch of the provincial civil service in accordance with the undertaking given by Sir William Vincent in reply to question No. 148 of Rai G. C. Nag Bahadur, M.L.A., on the 15th September 1921 in the Indian Legislative Assembly and in accordance with the recommendation of the Lee Commission.	Withdrawn.
		This Council recommends to Government that they be pleased to establish a chair for Arabic at the Elphinstone College, Bombay, and Lecturers for Urdu in the Government Arts Colleges at Poona and Bombay and an Arabic teacher in the Government Anglo-Urdu High School, Poona.	Do.
		This Council recommends to the Governor in Council: (a) That a limited number of watandar Mahars should be kept in each district of the presidency and that they should be paid at the rate of Rs. 15 rising to Rs. 20 per month; (b) that the inam lands at present held by watandar Mahars in the various districts should be granted free of assessment to the present holders in return for the long and meritorious services rendered to Government by them and their ancestors.	Lost after a division (Government against resolution).
		This Council recommends to Government that the proposed revision of the land revenue assessment in Chalisgaon taluka in East Khandesh district be postponed till the questions that are before the Land Revenue Assessment Committee are finally decided by the Council.	Withdrawn.
		This Council recommends to Government to hand over the income of all toll bars on the provincial roads, in the Satara district, to the District Local Board, Satara, with an order to spend it on the improvement of village communications.	Lost.
		This Council recommends to Government to establish an Anglo-vernacular school for girls in Belgaum, immediately.	Do.
		This Council recommends to Government that the Indian Christian community in the Karnatak be classed as a backward community having regard to their status in that province and that Government Resolution No. 2610 of the 5th February 1925, be amended so far as it affects that community.	Withdrawn.
		This Council recommends to Government that in each division of this Presidency there should be at least one Mahomedan headmaster, one deputy educational inspector (in addition to one Urdu deputy) and three assistant deputy educational inspectors.	Carried.
		This Council recommends to Government that they be pleased to appoint at an early date a committee with a non-official majority to enquire into the question whether hereditary village servants such as Patels, Mahars, Jagias, Ramoahis and others, get proper remuneration in proportion to their services, and if necessary to suggest the steps that should be taken to ensure that they are paid a proper remuneration.	Lost after a division (Government against resolution).

(Appendix H)

Year	Session	Resolution	Result
1925— contd.	XV— contd.	This Council recommends to Government to be pleased to issue orders authorising the Mahomedans of the city of Bombay to perform their Id prayers on the Esplanade Maidan twice a year.	Carried in an amended form.
		This Council recommends to Government that a committee of officials and non-officials with non-official majority be appointed to inquire into the growing indebtedness of the agriculturists of the Deccan, to examine the working of the Deccan Agriculturists' Relief Act with special reference to this question and to suggest means to ameliorate their economic condition.	Withdrawn.
		This Council recommends to Government that quarantine for Meccan pilgrims should be abolished.	Do.
		This Council recommends to the Governor in Council to prohibit by law the practice prevailing among certain classes of eating the flesh of dead animals.	Do.
		This Council recommends to Government that rules be at once so framed and enforced in all local areas as to make punishable with rigorous imprisonment extending to 6 months or with fine extending to Rs. 200, or both, the slaughter of— (1) all pregnant and milch cattle—milch cattle meaning cattle that are actually in milk or capable of bearing calf; (2) all cows, breeding bulls and draught and plough cattle; (3) all animals except sheep and goats of or below the age of 12 years; and that the existing laws relating to the slaughter of cattle be so altered as to give effect to the resolution provided that no part of this resolution shall extend to sacrifice of cattle required by the Mahomedans for the purpose of the Id religious ceremony.	Do.
		This Council recommends to Government that they be pleased to take the road between Kalyan and Junnar under their control from that of the District Local Board, and to facilitate traffic by linking the road in Thana district with that in Poona district.	Do.
		This Council recommends to Government that divisional educational inspectorships should be abolished and the Educational Department should be reconstituted on a new basis.	Do.
		This Council recommends to Government that they be pleased to construct bridges over the Ulhas river at Raika and Budla-pur in order to remove the great inconvenience to the traffic consequent upon the recent discharge of water into that river by the Tata company.	Do.
		This Council recommends to Government to declare two days as public holidays for Ramzan-Id.	Lost after a division (Government against resolution)
		This Council recommends to Government to take steps to establish a fund called the Bombay Presidency Workmen Welfare Fund with the co-operation of municipal and other local bodies and various kinds of employers in the presidency to be spent for the benefit of the workmen in organised industries by undertaking schemes for education, for recreation and for giving financial assistance during sickness, unemployment and such other difficulties.	Withdrawn.
		This Council recommends to Government that with a view to relieve the agriculturists of the eastern talukas, namely, Khatao, Man, Khanapur, Tasgaon and Khandala Petha, of the Satara district, from the evil effects of famine, adequate steps be immediately taken.	Do.
		This Council recommends to Government that side by side with Marathi, Urdu classes for the benefit of Mahomedan students should be established from the 4th to 7th standard at the High School at Jalgaon.	Carried.
		This Council recommends to Government that two lady doctors of the grade of sub-assistant surgeon should be attached experimentally to the Civil Hospital, Jalgaon, in furtherance of female medical aid to such of the Hindu and Mahomedan women as are precluded on principle from utilizing male medical agency.	Withdrawn.

(Appendix H)

Year	Session	Resolution	Result
1925— contd.	XV— contd.	This Council recommends to Government to appoint a committee to inquire into the causes of the encroachments made by the sea on the western coast of the presidency and to suggest measures for the prevention thereof.	Carried.
	XVI	This Council recommends to Government that they be pleased to communicate to the Government of India their considered opinion that the 'Legislative Bodies Corrupt Practices Bill' is unnecessary and detrimental to the dignity and independence of the members of the Legislative Bodies, and that the same confidence should be reposed in the sense of honour of members of the Indian Legislatures as in the Members of Parliament in Great Britain.	Lost after a division (Government against resolution).
		This Council recommends to the Governor in Council that an extra allowance be paid to the police force in Bombay up to the rank of inspectors for the hard and risky work which they have to do during the present mill-strike in the city and for any other labour strikes in future.	Withdrawn.
		This Council recommends to Government to draw up a comprehensive scheme of sanitation and medical relief both in the municipal and rural areas, and place it before the Council so as to reduce the heavy mortality from plague, cholera, malaria and other epidemics in the presidency.	Carried.
		This Council recommends to Government that all ancient mosques and mausoleums in the possession of Government in the district of East and West Khandesh should be restored to the Mahomedan community to be utilised by them for the purposes for which they were originally constructed.	Consideration postponed to next session.
		This Council recommends to the Governor in Council that a medical school be immediately established in Belgaum.	Lost after a division (Government against resolution).
		This Council recommends to the Governor in Council that in view of the recommendation by the Auxiliary and Territorial Forces Committee, immediate steps be taken to teach elementary military drill, and, in general to impart military education in high schools.	Withdrawn.
		This Council recommends to Government to abolish the totalisator in the third enclosure at race courses in Bombay and Poona.	Carried in an amended form.
		This Council recommends to Government to appoint a committee to enquire into the whole question of the management of the Bombay mill industry.	Lost.
		This Council recommends to Government that those revenue and police patils in the Ahmednagar district who get an annual remuneration below Rs. 25, be given Rs. 25 annually with effect from March 1926.	Withdrawn.
		This Council recommends to Government that the Poona Urdu normal classes should be converted into a full training college teaching the third year course.	Lost after a division (Government against resolution).
		This Council recommends to the Governor in Council that a small mixed committee of official members of the Council nominated by Government and non-official members elected by the House, with a clear non-official majority be appointed to hold an open enquiry and to take evidence with a view to investigate the question of the difficulties of watanidar Mahars and Dheds.	Withdrawn.
		This Council recommends to the Governor in Council that a small committee consisting of some elected members of the Legislative Council, one or two officials and one or two financial experts be appointed to consider and report on the financial measures that should be introduced in order to give full effect to the policy of prohibition of the traffic in alcoholic drink and drugs.	Carried in an amended form.
		This Council recommends to Government to represent to the Government of India the necessity of amending the Bombay Electoral Rule No. 7 (1) (d) by prescribing 18 years as the age qualification.	Lost.

(Appendix H)

Year	Session	Resolution	Result														
1925— contd.	XVI— contd.	Taking into consideration the pecuniary hardships of primary teachers in the presidency, this Council recommends to Government that primary teachers should be paid according to the Sathe-Paranjpye scheme from March 1923.	Withdrawn.														
		This Council recommends to Government to take urgent steps for the relief of mill workers who will be in a state of distress during the period of unemployment owing to the present mill strike in Bombay.	Lost.														
		In view of the fact that the liquor shop situated at Patharkuva, Ahmedabad, is situated in the immediate vicinity of two mosques, this Council recommends to Government that it be forthwith removed from its present place.	Lost after a division (Government against resolution).														
		This Council recommends to Government that an Anglo-Urdu middle school for Mahomedan girls should be established at Poona at an early date	Carried.														
		This Council recommends to the Governor in Council to prohibit by law the practice prevailing among certain classes of eating the flesh of dead animals keeping intact the right to take out the skin of dead animals.	Lost.														
		This Council recommends to Government to appoint a committee to inquire if the 11½ per cent. cut in wages effected by the millowners of Bombay is at all necessary.	Do.														
		This Council recommends to Government that early steps be taken to give effect to the resolution of this House regarding the adequate representation of all communities in all the services, especially in the Educational Department and on the clerical staff.	Carried.														
		This Council recommends to Government that no fees should be charged to outdoor patients receiving treatment at all civil hospitals in the presidency.	Withdrawn.														
		This Council recommends to Government to insert a condition in the license given to the Western India Turf Club prohibiting persons under 21 years of age from betting on the totalisator.	Lost.														
		This Council recommends to Government that the proposal made by the University Reforms Committee regarding the removal of the Ismail College from Andheri to the Fort should not be given effect to.	Carried.														
		This Council recommends to the Governor in Council to recommend to the Imperial Government to make necessary provision as early as possible to form a full Mahar battalion or a Mahar company in each of the Indian Regiments.	Carried in an amended form.														
		This Council recommends to Government that the opening of the Ismail College at Andheri be expedited.	Withdrawn.														
1926	XVII	This Council recommends to Government that all ancient mosques and mausoleums in the possession of Government in the districts of East and West Khandesh should be restored to the Mahomedan community to be utilised by them for the purposes for which they were originally constructed.	Do														
		This Council recommends to His Excellency the Governor in Council that the prisoners named below who are at present undergoing their sentences in connection with the case known as "Malegaon Riot case of 1921" be released forthwith and their unexpired sentences be remitted :—	Do.														
		<table><tr><td>1. Babu Imambux.</td><td>6. Abdul Wahid Moham-</td></tr><tr><td>2. Babu Alahdin.</td><td>med Sardar.</td></tr><tr><td>3. Mahommed Hussain</td><td>7. Ayyub Phikoo,</td></tr><tr><td>4. Budroddin.</td><td>8. Hidayatullah</td></tr><tr><td>5. Mahommed Yussuf</td><td>9. Nadar.</td></tr><tr><td>Suddhu.</td><td>10. Mahomed Sidik</td></tr><tr><td>11. Amiz Noor Mohammed.</td><td>Mohammed Ali.</td></tr></table>	1. Babu Imambux.	6. Abdul Wahid Moham-	2. Babu Alahdin.	med Sardar.	3. Mahommed Hussain	7. Ayyub Phikoo,	4. Budroddin.	8. Hidayatullah	5. Mahommed Yussuf	9. Nadar.	Suddhu.	10. Mahomed Sidik	11. Amiz Noor Mohammed.	Mohammed Ali.	
1. Babu Imambux.	6. Abdul Wahid Moham-																
2. Babu Alahdin.	med Sardar.																
3. Mahommed Hussain	7. Ayyub Phikoo,																
4. Budroddin.	8. Hidayatullah																
5. Mahommed Yussuf	9. Nadar.																
Suddhu.	10. Mahomed Sidik																
11. Amiz Noor Mohammed.	Mohammed Ali.																
		This Council recommends to Government to count for purpose of increment the past services of those primary teachers who had resigned on account of the non-co-operation movement and who have rejoined as primary teachers in view of the fact that Government have ruled that the past services of teachers who have reverted from National schools shall count for increment of their salaries.	Do.														

(Appendix H)

Year	Session	Resolution	Result
1926— contd.	XVII— contd.	This Council recommends to Government not to give contracts of coal or of any other article to any South African Company.	Carried in an amended form.
		This Council recommends to Government that a sum of rupees two lakhs to begin with be provided in the next year's budget for being utilised for better provision of infant and maternity welfare by grants-in-aid to existing approved institutions and organisations, such as maternity homes, maternity hospitals, infant welfare centres, movements promoting national baby week or health week celebrations, etc., that need such help on the scale of not less than one-third of the annual expenditure approved by the civil surgeons of the districts.	Carried.
		In view of the pecuniary hardships of the primary teachers, this Council recommends to Government that primary teachers should be paid according to the Sathe-Paranjpye Scheme from March 1923.	Consideration postponed to the next session.
		This Council recommends to Government not to give any grant to the municipalities and local boards which refuse to give effect to the resolution passed by this Council allowing to members of the depressed classes the use of wells, tanks, water taps, dharamshallas, dispensaries and schools built and conducted by such local bodies.	Do.
	XVIII	In view of the pecuniary hardships of the primary teachers, this Council recommends to Government that primary teachers should be paid according to the Sathe-Paranjpye scheme from March 1923.	Carried.
		This Council recommends to Government not to give any grant to the municipalities and local boards which refuse to give effect to the resolutions passed by this Council allowing members of the depressed classes the use of wells, tanks, water-taps, dharamshallas, dispensaries and schools built and conducted by such local bodies.	Do.
		This Council recommends to Government that the rules for election to this Council be so altered as to allow women voters to stand as candidates for election.	Do.
1927	XIX	This Council, re-affirming the principle of the resolution as amended and carried by it by a majority on the 15th March 1924, recommends to the Governor in Council that he will be pleased to give immediate effect to it by introducing the necessary legislation after taking into consideration the report and suggestions of the members of the Land Revenue Assessment Committee and making provision for giving retrospective effect to such legislation in view of the fact that in many cases new revision settlements were proceeded with and new rates introduced after the Resolution of 15th March 1924.	Carried after a division against Government opposition.
	XX	This Council recommends to His Excellency the Governor in Council, to take the necessary steps to bring to the notice of the Government of India the necessity of revising their decisions on the Tariff Board's report in the interests of this Presidency generally and of the large classes of people in particular whose well-being depends directly and indirectly on the cotton textile industry.	Carried.
	XXI	This Council recommends to Government that a committee consisting of the following gentlemen be appointed to examine in all its aspects the primary and secondary education now prevailing in the Presidency with a view— (a) (i) to co-ordinate and reorganise the same on modern lines; (ii) to reduce the number of years taken up by the courses of primary and secondary education; (iii) to consider these courses with the object of removing the duplication of studies in vernacular and English; (iv) to introduce manual and vocational courses; and (v) to consider the steps for introducing compulsory medical inspection and physical training in primary and secondary schools; (b) to consider the question of the cost of the revised schemes with special reference to the funds available at present, and to explore the ways and means to raise further funds;	Lost.

(Appendix H)

Year	Session	Resolution	Result
1927— contd.	XXI— contd.	<p>(e) to report on such other matters germane to the above questions as may be considered necessary :—</p> <ol style="list-style-type: none"> 1. Dewan Bahadur Harilal D. Desai, Minister of Education. 2. The Director of Public Instruction. 3. The Rev. Father J. Duhr, S.J., D.D., Ph.D., Principal, St. Xavier's College, Bombay. 4. Dr. B. B. Ambedkar, M.L.C., Bar-at-Law. 5. K. B. Marzban, Esquire, B.A., Principal, New High School, Bombay. 6. K. M. Munshi, Esquire, B.A., LL.B., M.L.C., Advocate. 7. J. C. Swaminarayan, Esquire, M.A., M.L.C. 8. V. H. Anklesaria, Esquire, Principal, the Elphinstone High School, Bombay. 9. M. B. Paranjpye, Esquire, Secretary, Shikshana Prasarak Mandali, Poona. 10. Dr. K. G. Nalk, M.A., D.Sc., F.I.C., Professor of Chemistry, Baroda College. 11. P. R. Chikodi, Esquire, M.L.C. 12. Noor Muhammad Muhammad Sujawal, Esquire, M.L.C. 13. F. J. Ginwalla, Esquire, M.L.C. 14. Rao Bahadur R. R. Kale, M.L.C. 15. Natvarlal G. Majmudar, Esquire, M.L.C. 16. Moulvi Rafuddin Ahmed, M.L.C., Bar-at-Law. 17. Principal, S. C. Shahani, M.A., D. J. Sind College, Karachi. 18. A. M. Kajiji, Esquire, B.A., LL.B., Bar-at-Law. 19. S. C. Joshi, Esquire, M.A., LL.B., M.L.C. <p>This Council is of opinion that the rules regarding the use of text-books in recognised schools in the Bombay Presidency have been found unsatisfactory and recommends that Government be pleased to modify them on the following lines :—</p> <ol style="list-style-type: none"> (1) Headmasters should be allowed full discretion in the selection and use of text-books, library and prize books in their schools, the Educational Department having a veto, which should be exercised on moral and political grounds and should state the objections against any book in detail. (2) As regards the suitability of a book from the educational point of view, the Department should have the power of recommendation only. (3) That the headmasters of recognised schools should not be required to make a declaration, in their annual return to the Department, to the effect that they use only sanctioned books. 	Talked out: not voted upon.
1928	XXII	<p>This Council disapproves of the resolution issued by Government on the report of the Land Revenue Assessment Committee and recommends to His Excellency the Governor in Council that the Bill for the amendment of the provisions of the Bombay Land Revenue Code, 1879, relating to the principles of revising the assessment of land revenue should be drafted in consultation with non-official members of this Council before it is submitted to the Government of India for sanction.</p>	Discussion not concluded.

(Appendix I)

APPENDIX I

RESOLUTIONS AND QUESTIONS EVIDENCING A COMMUNAL BIAS.

Resolutions.

(1) Mr. D. A. Vichare's resolution recommending that within a period of not more than ten years not less than half the higher and four-fifths of the lower appointments in each grade of the service and so far as possible in each office shall be filled by members of communities other than the Brahmin community, preference being given to the duly qualified candidates of the Maratha and the depressed classes when such are available. (Withdrawn.)

(2) Mr. B. V. Jadhav's resolution regarding the appointment of a selection board to recommend candidates for appointment in the various departments in the Central and Southern Divisions for the purpose of recruitment of the backward communities including Marathas. (Withdrawn.)

(3) Mr. B. V. Jadhav's resolution recommending that orders be passed giving preference to candidates belonging to the non-Brahmin backward communities, including Marathas and the depressed classes, in admitting students to the various classes of the training institutions for vernacular teachers in the two Divisions (Central and Southern). (Lost.)

(4) Mr. A. M. Mansuri's resolution recommending that a commission be appointed to investigate into the state of Muhammadan education and to suggest measures for the improvement of Muhammadan education.

(5) Mr. A. N. Surve's resolution recommending that the principle be adopted of reservation of seats in the Municipal Corporation of Bombay City in favour of the backward communities and depressed classes.

(6) Mr. S. K. Bole's resolution recommending to Government to nominate an adequate number of members to represent the backward and working classes on the Bombay Municipal Corporation, Port Trust and the Improvement Trust.

(7) Mr. R. D. Shinde's resolutions recommending that the public services may be filled from members of the Marathas, depressed classes, Muhammadans and other backward communities till the percentage of those classes rises to 50.

(8) Mr. S. J. Zunzarrao's resolution recommending that seats for the depressed classes be reserved in local boards and municipalities.

(9) Mr. S. K. Bole's resolution recommending to Government not to give any grant to those municipalities and local boards which refuse to give effect to the resolution passed by the Council about allowing members of the depressed classes the use of public wells, tanks, water-taps, dharamshalas, dispensaries and schools built and conducted by such local bodies. (Carried slightly modified.)

(10) Mr. G. M. Kalbhor's resolution recommending that a committee of councillors with a non-Brahmin majority be appointed to enquire into the grievances of non-Brahmin Government servants in the several departments of Government.

(11) Mr. S. K. Bole's resolution recommending the appointment of a committee to enquire into the conditions of the depressed classes and aborigines in the presidency with a request to recommend measures for the alleviation of their condition.

(12) Mr. S. K. Bole's resolution requesting Government to urge upon the Central Government the necessity of making orders relating to the recruitment of backward classes in Government services applicable to establishments controlled by the Central Government also.

(13) Mr. S. K. Bole's resolution recommending that the orders relating to the recruitment of the backward classes to posts of clerks be made applicable to non-clerical posts under the local Government.

Questions.

(1) Mr. S. K. Bole's questions enquiring how many scholarships were given by Government to non-Brahmins and Muhammadans in the preceding year, how many officers from these communities were appointed in the Educational Department and what steps Government intended to take for the proper representation of the backward classes in all departments of Government in proportion to their population.

(Appendix I)

(2) Mr. S. B. Khateeb's questions regarding posts for the Muhammadans in the Educational Department, opening of schools for the Muhammadans, etc.

(3) Mr. G. M. Kalbhor's question regarding scholarships for the backward classes.

(4) Mr. D. D. Gholap's question regarding grant to the Depressed Classes Mission.

(5) Mr. Bole's question enquiring about the number of elected members of municipalities and local boards from the non-Brahmin backward classes and Muhammadans.

(6) Mr. D. D. Gholap's questions regarding the admission of the backward classes to the Police Training School at Nasik.

(7) Mr. D. D. Gholap's question enquiring about the number of primary schools for the depressed classes and the number of boys studying in each.

(8) Mr. D. D. Gholap's question regarding insufficiency of water supply to Mahars.

(9) Mr. D. D. Gholap's question regarding the number of military pensioners belonging to the depressed classes doing duties as peons, orderlies, etc., in Government service.

(10) Mr. D. D. Gholap's question regarding new primary schools for boys of the depressed classes.

(11) Mr. C. C. Hulkoti's question regarding the appointment of candidates recommended by the Lingayat Education Association, Dharwar.

(12) Mr. G. M. Kalbhor's question regarding the number of sub-registrars of the backward classes, including Muhammadans.

(13) Mr. J. A. Pawar's question regarding the number of scholarships reserved in different colleges and high schools for students of the backward classes and the names of the communities to which those students belonged.

(14) Mr. R. G. Salgar's question regarding the appointment of members of the backward classes in the executive branch of the Provincial service.

(15) Mr. B. V. Jadhav's question regarding the admission of members of the backward communities, including Marathas, to training colleges and training classes.

(16) Mr. B. V. Jadhav's question enquiring about the number of deputy collectors and mamlatdars of the backward classes in the Southern and Central Divisions.

(17) Mr. D. D. Gholap's question enquiring whether Government intend to establish special hostels for depressed class girls.

(18) Mr. L. S. Chaudhari's question enquiring how many appointments of clerks have been made in Revenue, Medical and Judicial Departments since 1923 and how many of them were given to candidates of the backward classes.

(19) Mr. A. N. Surve's question enquiring whether it is a fact that in Thana District members of the depressed classes are not admitted into public conveyances.

(20) Moulvi Rafiuddin Ahmed's question regarding monthly allowances to Muhammadan teachers in Urdu schools in the Central Division.

(21) Mr. N. R. Gunjal's question regarding the treatment of the children of the depressed classes in schools.

(22) Mr. G. M. Kalbhor's question regarding the admission of backward classes into male training colleges in Central and Southern Divisions.

(23) Mr. G. M. Kalbhor's question regarding the number of clerks of the non-Brahmin backward and depressed classes in certain educational offices.

(24) Mr. R. S. Nekaljay's question regarding the number of scholarships reserved for the depressed classes and the number of schools to be opened for them.

(25) Mr. R. S. Nekaljay's question regarding the payment of increased wages to watan-dar Mahars.

(26) Mr. Noor Mahomed's question regarding the representation of Muhammadans on the Tando Allahyar municipality.

(27) Mr. A. M. Mansuri's question regarding the appointment of Muhammadans in primary schools.

(28) Mr. R. S. Nekaljay's question regarding the grievances of Mahars.

(29) Mr. R. S. Nekaljay's question regarding the appointment of members of the depressed classes as supervisors of schools.

(30) Mr. S. K. Bole's question regarding the appointment of non-Brahmin talatis.

(Appendix I)

(31) Mr. G. M. Kalbhor's question regarding the grievances of non-Brahmin Government servants.

(32) Mr. R. S. Nekaljay's question requesting Government to state the number of local bodies that have given effect to the Government resolution about allowing children belonging to the depressed communities to attend local schools.

(33) Mr. A. M. Mansuri's questions regarding Muhammadan education.

(34) Moulvi Rafiuddin Ahmed's question enquiring as to the number of Hindu and Moslem students residing in Government hostels attached to schools and colleges and how many of them were refused admission to the hostels.

(35) Moulvi Rafiuddin Ahmed's question regarding the nomination of Muhammadans to local boards.

(36) Khan Sahib A. M. Mansuri's question regarding the appointment of Muhammadans in the upper subordinate revenue service.

(37) Mr. S. K. Bole's question regarding the appointment of Muhammadans, non-Brahmins and backward classes in the Bombay Medical Service.

(38) Mr. N. E. Navle's question regarding recruitment of talatis from the depressed classes.

(39) Khan Sahib A. M. Mansuri's question regarding the appointment of Muhammadans in the Co-operative Department and in the Educational Department.

(40) Mr. S. K. Bole's question regarding the number of backward class teachers in the Educational Department.

(41) Khan Sahib A. M. Mansuri's question regarding Muhammadans in the Public Works Department.

(42) Dr. Ambedkar's question regarding the strength of the depressed classes in the public service.

(43) Dr. Ambedkar's question enquiring what measures Government propose to take for the purpose of more effectively securing the rights of the depressed classes regarding the use and enjoyment of public places.

(44) Moulvi Rafiuddin Ahmed's question regarding the appointment of Muhammadan Public Prosecutors.

(45) Mr. P. G. Solanki's question regarding the number of depressed class men in the subordinate Government service.

(Appendix J)

APPENDIX

Divisions on

Year	Motion	Ayes	Noes
1921	1. Mr. Lalbhai Ambaram's motion that entertainment of additional establishment for the office of the Collector, Karachi, recurring expenditure of Rs. 3,700 be omitted.	40	42
	2. Rao Saheb H. D. Desai's motion that demand under the head Land Revenue be reduced by Rs. 1,00,000 by omission of item No. 14, grant of house-rent allowance to Mamladars and mukhtiarkars.	48	33
	3. Rao Saheb H. D. Desai's motion that item No. 15—Land Revenue—Revision of pay of talatis, Rs 4,00,000 be omitted.	35	52
	4. Rao Saheb H. D. Desai's motion that item No. 218, grant of duty allowance of Rs. 100 per mensem to each of the two assistants to the Commissioner, Southern Division, Rs. 2,400, be omitted.	25	47
	5. Mr. P. R. Chikodi's motion that item No. 219, lump provision for additional permanent establishment in the Local Fund Audit Branch of the Accountant General's Office, Rs. 13,000 be omitted	33	31
	6. Rao Saheb H. D. Desai's motion that item No. 223, lump provision for revision of pay of and entertainment of additional establishments in the Secretariat, Rs 1,50,000 be omitted.	29	45
	7. Rao Saheb H. D. Desai's motion that item No. 226—lump provision for officer on special duty in connection with the revised system of office procedure, Rs. 44,000 be omitted.	37	28
	8. Rao Bahadur R. R. Kale's motion that item No. 234, creation of appointments of Resident or City Magistrate at Broach, Sholapur, Ahmednagar and Koregaon, be omitted.	16	56
	9. Rao Saheb H. D. Desai's motion that item No. 240, addition to cadre of Sub-Judges for leave and deputation reserve, Rs. 40,000 be reduced to Rs 26,000.	33	31

(Appendix J)

Reserved Subjects.

Result of division	Government success or defeat	If official <i>bloc</i> omitted, the result would have been		
		Ayes	Noes	Result
Lost ..	Success ..	40	25	Carried.
Carried ..	Defeat ..	48	17	No change.
Lost ..	Success ..	35	33	Carried,
Do. ..	Do. ..	25	30	No change.
Carried ..	Defeat ..	33 *	14	Do.
Lost ..	Success ..	29	27	Carried.
Carried ..	Defeat ..	37	11	No change.
Lost ..	Success ..	16	37	Do.
Carried ..	Defeat ..	33	15	Do.

(Appendix J)

APPENDIX

Year	Motion	Ayes	Noes
1921— <i>contd.</i>	10. Rao Sahab H. D. Desai's motion that item No. 243, entertainment of temporary Assistant Judges and their establishments, Rs. 40,000 be omitted.	38	27
	11. Rao Sahab H. D. Desai's motion that item No. 262, lump provision for revision of pay of Imperial and provincial police officers, Rs. 2,24,000 be omitted.	28	39
	12. Rao Sahab D. P. Desai's motion that item No. 264 reorganisation of the Criminal Investigation Department in the Presidency proper including Bombay City, Rs. 50,000, be omitted.	42	25
	13. Rao Sahab H. D. Desai's motion that item No. 268, partition of Ahmedabad into two districts for police purposes, Rs. 50,000, be omitted	34	30
	14. Dewan Bahadur K. R. Godbole's motion that item No. 464, lump provision on account of Labour Bureau, Rs. 75,000 be omitted.	31	36
	15. Mr. N. M. Dumas's resolution regarding discontinuance of annual exodus of Government to Mahabaleshwar.	15	52
	16. Rao Bahadur R. R. Kale's resolution regarding appointment of a Retrenchment Committee.	39	23
	17. Dr. S. S. Batliwalla's resolution regarding increase of Bombay City Police owing to dacoities.	46	
	18. Supplementary demand of Rs. 15,000 for establishment to be entertained under Mr. Maxwell in connection with his work as Secretary to Retrenchment Committee appointed by Government.	51	16
	19. Resolution regarding removal of sex disqualification of women for registration on the electoral roll of the Bombay Legislative Council.	52	25
	20. Adjournment motion in connection with firing at Matiar.	35	46
	21. Rao Bahadur R. R. Kale's resolution regarding appointment of lawyers as District Judges.	36	36

(Appendix J)

J—*contd.*

Result of division	Government success or defeat	If official <i>bloc</i> omitted, the result would have been		
		Ayes	Noes	Result
Carried ..	Defeat ..	38	9	No change.
Lost ..	Success ..	28	21	Carried.
Carried ..	Defeat ..	42	8	No change.
Do ..	Do. ..	34	14	Do.
Lost ..	Success ..	31	16	Carried.
Do. .	Do. ..	15	36	No change.
Carried ..	Defeat ..	39	11	Do.
Do. ..	*	32	17	* Government official <i>bloc</i> voted for resolution.
Do. ..	Success ..	32	16	No change.
Do. ..	*	*	*	* Government official <i>bloc</i> allowed to vote as they liked.
Lost ..	Success ..	35	26	Carried.
Do. .	Do. ..	36	23	Do.

CHAPTER VIII—THE LEGISLATURE
(Appendix J)

APPENDIX

Year	Motion	Ayes	Noes
1921—concl'd.	22. Amendment of Standing Orders—Insertion of a new paragraph 2A in Part IV regarding ballot of resolutions.	41	37
	23. Rao Bahadur G. K. Chitale's resolution regarding the separation of judicial and executive functions.	36	36 plus casting vote.
	24. Rao Bahadur R. R. Kale's motion that supplementary demand of Rs. 16,000 for revision of pay of patils in Kanara district, be omitted.	25	48
	25. Mr. C. M. Gandhi's motion that the supplementary demand of Rs. 35,000 for additional provision for Assistant Judges and temporary establishments for Assistant Judges, be omitted.	37	31
	26. Rao Bahadur R. M. Nilkanth's motion that supplementary demand of Rs. 3,42,000 for expenditure in connection with Royal Visit be reduced to Rs. 1,50,000.	16	52
	27. Mr. C. M. Gandhi's motion that total demand of Rs. 8,73,000 to meet expenditure in connection with Royal Visit be reduced to Rs. 4,00,000.	19	54
	28. Demand for increase of fees in criminal cases of Public Prosecutor for Sind—Rs. 5,000.	35	32
	29. Mr. B. G. Pahalajani's motion that proposed provision of Rs. 9,600 under item 21 for re-organisation of Sind Criminal Investigation Department, be omitted.	29	43
	30. That the demand for Rs. 2,31,600 in connection with the Body-Guard Lines, Bombay, be granted.	32	30
1922	1. Rao Bahadur G. K. Chitale's motion that under S. O. IV, 4 (1), the consideration of Bill No. III of 1922 (Entertainments Duty Bill) be postponed (supported by Government).	13	47
	2. Motion that Bill No. III of 1922 (Entertainments Duty Bill) be read for the first time.	33	41
	3. Mr. B. G. Pahalajani's motion that debate on first reading of Bill No. VI of 1922 (Court Fees Act Amendment Bill) be adjourned to 11th March 1922.	22	48

(Appendix J)

J—contd.

Result of division	Government success or defeat	If official bloc omitted, the result would have been		
		Ayes	Noes	Result
Carried ..	Success ..	23	37	Lost.
Lost ..	Do. ..	36	22	Carried.
Do. ..	Do. ..	25	29	No change.
Carried ..	Defeat ..	37	12	Do.
Lost ..	Success ..	16	32	Do.
Do. ..	Do. ..	19	34	Do.
Carried ..	Do. ..	16	32	Lost.
Lost ..	Do. ..	29	25	Carried.
Carried ..	Do. ..	15	30	Lost.
Lost ..	Defeat ..	9	47	No change.
Do. ..	Do. ..	15	41	Do.
Do. ..	Success ..	22	30	Do.

Year	Motion	Ayes	Noes
1922— <i>contd.</i>	4. That Bill No. VI of 1922 (Court Fees Act Amendment Bill) be read for the first time.	44	28
	5. Mr. C. M. Gandhi's motion that item of Rs. 48,000 (establishment in connection with preparation of survey registers) 5-A, Land Revenue, be omitted.	33	38
	6. Mr. C. M. Gandhi's motion that item of Rs. 95,614 field establishment, Land Records, Land Revenue, 5-C, be omitted.	34	33
	7. Rao Sahab D. P. Desai's motion that the total demand under 5, Land Revenue Reserved, be reduced by Rs. 7,00,000.	29	37
	8. Rao Sahab D. P. Desai's motion that item No. 202, entertainment of two ship surveyors, Rs. 29,150, be omitted.	27	34
	9. Sardar V. N. Mutalik's motion that item No. 204 increased salaries to existing three ship surveyors, Rs. 6,900, be omitted.	38	35
	10. Rao Bahadur R. R. Kale's motion that item No. 193, Rs. 9,850, house rent allowance for sub-inspectors in Sini, be omitted.	40	30
	11. Mr. I. S. Haji's motion that item No. 194 under 26, Police Reserved, House Rents, Bombay City Police, Rs. 8,840, be omitted.	42	25
	12. Mr. A. P. Chaugule's motion that the amount included in the sum of Rs. 13,40,496—head constables—be reduced by Rs. 4,33,812.	30	35
	13. Rao Sahab D. P. Desai's motion that item No. 282, revision of salaries of inspectors of amalgamated Factory, Boiler and Smoke Nuisances Departments, Rs. 26,000, be omitted.	36	30
	14. Mr. Kanji Dwarkadas' motion that item No. 283, retention of 2 temporary inspectors for the amalgamated Factory, etc, departments, Rs. 14,400, be omitted.	25	42
	15. Mr. D. A. Vichare's motion that the whole demand under 37, Miscellaneous Departments, be reduced by Rs. 54,000.	24	27

CHAPTER VIII—THE LEGISLATURE

(Appendix J)

J—contd.

Result of division	Government success or defeat	If official <i>bloc</i> omitted, the result would have been		
		Ayes	Noes	Result
Carried ..	Success ..	27	28	Lost.
Lost ..	Do. ..	33	20	Do.
Carried ..	Defeat ..	34	14	No change.
Lost ..	Success ..	29	19	Carried.
Do. ..	Do. ..	27	15	Do
Carried ..	Defeat ..	38	16	No change.
Do. ..	Do ..	40	10	Do.
Do. ..	Do. ..	42	5	Do.
Lost ..	Success ..	30	15	Carried.
Carried ..	Defeat ..	36	11	No change.
Lost ..	Success ..	25	22	Carried.
Do. ..	Do. ..	24	8	Do.

Year	Motion	Ayes	Noes
1922— <i>contd</i>	16. Rao Bahadur R. R. Kale's motion that Bill No. VI of 1922 (Court Fees Act Amendment Bill) be recommitted to the Select Committee for consideration of a certain clause.	25	53
	17. Motion that the word "eight" in column 3 of article 6 do stand part of the schedule (appended to the Court Fees Act Amendment Bill).	47	17
	18. Motion that the words "one rupee" in column 3 with reference to paragraph (b) in column 2 of Schedule II, fixed fees, do stand part of the Schedule (appended to the Court Fees Act Amendment Bill).	30	36
	19. Motion that the words "four rupees" in column 3 with reference to (d) in column 2 of Schedule I, article 1, do stand part of the Schedule (appended to Court Fees Act Amendment Bill).	45	22
	20. Motion that Bill No. VI of 1922 (Court Fees Act Amendment Bill) be read a third time.	35	17
	21. Motion in connection with the second reading of the Stamp Act Amendment Bill (No. V of 1922).	38	30
	22. Motion that Bill No. V of 1922 (Indian Stamp Act Amendment Bill) be read a second time.	41	16
	23. Motion that the words "shall be in force for two years thereafter" be added at the end of sub-clause (iii) of clause 1 (of Stamp Act Amendment Bill No. V of 1922).	32	32 <i>plus</i> 1 casting vote.
	24. Resolution by Rao Bahadur Chitale regarding the separation of judicial and executive functions.	25	19
	25. Motion that Bill No. XIII of 1921 (Prevention of Cruelty to Animals Bill) be read a first time.	50	20
	26. Resolution by Sardar V. N. Mutalik regarding the treatment of political prisoners in jails.	31	30
	27. Amendment by Mr. A. N. Surve to Bill No. XIII of 1921—In line 23, clause 3, omit the words "transport to the infirmary and the."	21	31

(Appendix J)

J—contd.

Result of division	Government success or defeat	If official <i>bloc</i> omitted, the result would have been		
		Ayes	Noes	Result
Lost ..	Success ..	25	31	No change.
Carried ..	Do. ..	27	17	Do.
Lost ..	Defeat ..	11	36	Do.
Carried ..	Success ..	25	22	Do.
Do. ..	Do. ..	16	17	Lost.
Do. ..	Do. ..	18	30	Do.
Do. ..	Do. ..	22	16	No change.
Lost ..	Do. ..	32	12	Carried.
Carried ..	(Government members did not vote).			
Do. ..	Success ..	33	20	No change.
Do. ..	Defeat ..	31	13	Do.
Lost ..	Success ..	21	11	Carried.

Year	Motion	Ayes	Noes
1922—concl'd.	28. Mr. A. N. Surve's amendment to Bill No. XIII of 1921 omit "sub-clause (8) of clause 3 of the Bill."	26	41
	29. Motion that Bill No. XIII of 1922 (Cotton Trade Control Bill) be read a second time.	36	33
	30. Motion that Bill No. XIII of 1922 (Cotton Trade Control Bill) be read a third time.	38	29
	31. Motion that figure "50" in clause 3, sub-clause (1) of Bill No. XX of 1922, Entertainments Duty Bill, do stand part of the clause.	36	32
	32. Amendment to clause 3 (1) of Bill No. XX of 1922 (Entertainments Duty Bill) that the word "six" do stand part of the clause.	14	53
	33. Government amendment regarding clause 6 (3) of Bill No. XX of 1922.	39	42
1923	1. Mr. J. B. Petit's resolution regarding Dr. Kapadia's case.	49	28
	2. Demand under 5—Land Revenue for revision of pay of village establishment in Sind, Rs. 25,000.	26	43
	3. Khan Bahadur D. B. Cooper's motion that the grant of Rs. 3,198 for the appointment of a city magistrate at Bandra be omitted.	33	44
	4. Mr. G. B. Trivedi's motion that item of Rs. 3,900 appointment of a resident magistrate, Kuria, under 24-Administration of Justice (Reserved) be omitted.	20	42
	5. Rao Bahadur R. R. Kale's motion that item No. 134, Rental of railway saloons used by Railway Superintendents of Police, Rs. 5,000 be omitted.	22	31
	6. Sardar V. N. Mutalik's motion that the grant of Rs. 70,000 for revision of pay of provincial police officers be omitted.	36	32
	7. Motion by Rao Bahadur G. K. Chitale that lump allotment for officers' bungalows, Rs. 10,00,000 be omitted.	17	43

(Appendix J)

J—contd.

Result of division	Government success or defeat	If official bloc omitted, the result would have been		
		Ayes	Noes	Result
Lost ..	Success ..	26	23	Carried.
Carried ..	Do. ..	17	33	Lost.
Do. ..	Do. ..	19	29	Do.
Do. ..	Defeat ..	36	12	No change.
Lost ..	Success ..	14	36	Do.
Do ..	Defeat ..	18	42	Do.
Carried ..	Do. ..	49	18	Do.
Lost ..	Do. ..	7	43	Do.
Do ..	Success ..	33	15	Carried.
Do. ..	Do. ..	20	22	No change.
Do. ..	Do. ..	22	14	Carried.
Carried ..	Defeat ..	36	12	No change.
Lost ..	Success ..	17	23	Do.

(Appendix J)

APPENDIX

Year	Motion	Ayes	Noes
1923—concl'd.	8. Resolution by Mr. R. G. Salgar regarding revision settlement in Malsiras Taluka.	32	27
	9. Motion that Bill No. III of 1923 (Bombay Civil Courts Act Amendment Bill) be read a first time.	29	32
	10. Resolution by Khan Bahadur D. B. Cooper regarding special pension to Mr. J. K. N. Kabraji.	35	31
	11. Dr. S. S. Batliwala's resolution regarding communications by Government servants to Press.	42	43
	12. Mr. G. B. Trivedi's resolution that flogging of prisoners for jail indiscipline should be abolished.	23	46
1924	1. Motion that the first reading of Bill No. I of 1924 (Children Bill) be postponed to the next session, etc.	47 <i>plus 1=48</i>	47
	2. Motion that Bill No. IX of 1924 (Court Fees Act Amendment Bill) be read a first time.	35	57
	3. Mr. B. G. Pahalajani's motion to omit the cost of cadastral maps—provision for Assistant Manager Rs. 9,000.	35	57
	4. Mr. B. G. Pahalajani's motion that the provision of Rs. 24,264 for Kanungo establishments—maintenance of city surveys be omitted.	42	50
	5. Mr. V. R. Kothari's motion "Reduce by 2 lakhs" total demand under 5-Land Revenue.	46	52
	6. Mr. B. G. Pahalajani's motion "Omit Steamer Jhelum and Flat Mooltan" Total demand Rs. 11,000.	34	56
	7. Mr. Swaminarayan's motion for omission of item for creation of new judicial district for Kaira.	44	34
	8. Mr. Swaminarayan's motion to omit provision of Rs. 18,000 for establishment for destruction of useless records in civil and criminal courts in the Presidency proper	35	44

(Appendix J)

J—contd.

Result of division	Government success or defeat	If official <i>bloc</i> omitted, the result would have been		
		Ayes	Noes	Result
Carried	Defeat	32	10	No change.
Lost	Do.	12	32	Do.
Carried	Do.	35	11	Do.
Lost	Success	42	23	Carried.
Do.	Do.	23	27	No change.
Carried	Defeat	47	28	Do.
Lost	Do.	15	57	Do.
Do.	Success	35	38	Do.
Do.	Do.	42	29	Carried.
Do.	Do.	46	32	Do.
Do	Do.	34	35	No change.
Carried	Defeat	44	14	Do.
Lost	Success	35	24	Carried.

Year	Motion	Ayes	Noes
1924— <i>contd.</i>	9. Mr. P. G. Joshi's motion to omit item of Rs. 14,509 for creation of temporary appointment of an extra judge in court of Small Causes, Bombay.	28	50
	10. Mr. R. G. Pradhan's motion to omit provision for establishment for honorary bench magistrates at Andheri.	34	44
	11. Mr. R. G. Pradhan's motion to reduce provision of Rs. 45,000 for fees for special counsel.	34	44
	12. Motion by Mr. R. G. Pradhan to reduce by Rs. 15,000 provision for fees for special counsel, Rs. 45,000 under "Law Officers," etc.	38	39
	13. Mr. G. B. Pradhan's motion to reduce by 3 lacs total demand under Jails and Convict Settlements, etc.	29	45
	14. Mr. B. G. Pahalajani's motion that conveyance allowances to headquarters Deputy Superintendents of Police be omitted.	36 <i>plus 1=37</i>	36
	15. Mr. S. S. Dev's motion that provision of Rs. 91,648 for restoration of mounted police in Poona and East Khandesh be omitted.	40	35
	16. Mr. H. B. Shivdasani's motion that provision of Rs. 1,05,769 for detective establishment on railways be omitted.	30	42
	17. Mr. V. R. Kothari's motion to reduce by Rs. 30 lacs the total demand under the head "Police."	29	51
	18. Mr. A. N. Surve's motion that total demand of Rs. 1,84,99,000 for Police be reduced by Rs. 1 lac.	43	43 <i>plus 1=44</i>
	19. Mr. Lalji Naranji's motion that total demand for Development Department be reduced by Rs. 2 crores.	34	52
	20. Mr. K. F. Nariman's motion to reduce total demand under 59, Development Department to 2 crores.	33	48
	21. Mr. S. S. Dev's motion to omit provision under Director of Information Rs. 40,000.	44	41

(Appendix J)

J—contd.

Result of division	Government success or defeat	If official bloc omitted, the result would have been		
		Ayes	Noes	Result
Lost ..	Success ..	28	30	No change.
Do. ..	Do. ..	34	25	Carried.
Do. ..	Do. ..	34	24	Do.
Do. ..	Do. ..	38	19	Do
Do. ..	Do. ..	29	25	Do.
Carried ..	Defeat ..	37	16	No change.
Do. ..	Do. ..	40	15	Do.
Lost ..	Success ..	30	22	Do
Do. ..	Do. ..	29	30	Do.
Do. ..	Do. ..	43	22	Carried.
Do. ..	Do. ..	34	32	Do.
Do. ..	Do. ..	33	28	Do.
Carried ..	Defeat ..	44	20	No change.

Year	Motion	Ayes	Noes
1924—contd.	22. Mr. R. G. Pradhan's resolution regarding Land Revenue Assessment Committee.	46	36
	23. Mr. V. R. Kothari's resolution regarding Sangola Taluka Revision Settlement.	37	29
	24. Sir Vasant Rao Dabholkar's resolution regarding revision of pay of Presidency Magistrates.	33	12
	25. Thakor of Kerwada's resolution regarding committee on Jama paid by talukdars.	36	37
	26. Mr. K. F. Nariman's resolution for removal of ban on Mr. Horniman's return to India.	37	43
	27. Motion that Bill No. XVI of 1924 (Rent Acts Amendment Bill) be read a first time.	63	25
	28. Motion that the select committee on motions to amend Standing Orders be requested to report within 2 months.	55	41
	29. Supplementary demand of Rs. 20,000 for establishment of Director of Information.	52	34
	30. Mr. J. Addyman's motion for leave to introduce his Bill to amend the Rent Acts.	41	43
	31. Mr. Nariman's motion for adjournment of the House regarding the rule for presentation of rejected grants.	43	51
	32. Mr. R. G. Pradhan's resolution regarding District Advisory Councils.	31	59
	33. Mr. V. N. Jog's resolution for the release of Mr. R. R. Divakar, as amended.	48	42
	34. H. D. Saheba's resolution regarding tagai loans for sinking wells.	48	28
	35. Dr. M. B. Velkar's resolution for removal of restrictions on Mr. Savarkar.	37	50
	36. Mr. V. N. Jog's amendment to clause 2 of the Children Bill.	32	49
	37. Mr. K. F. Nariman's amendment to clause 10 (2) of the Children Bill.	45	33
	38. Mr. K. F. Nariman's amendment to clause 3 (g) of the Children Bill.	43	34

(Appendix J)

J—contd.

Result of division	Government success or defeat	If official bloc omitted, the result would have been.		
		Ayes	Noes	Result
Carried	Defeat	46	16	No change.
Do.	Do.	37	9	Do.
Do.	Success	1 ^a	12	Do.
Lost	Do.	36	17	Carried.
Do.	Do.	37	23	Do.
Carried	Do.	46	25	No change.
Do.	Do.	35	41	Lost.
Do	Do.	32	34	Do.
Lost	Do.	41	25	Carried.
Do.	Do.	43	32	Do.
Do.	Do.	31	40	No change.
Carried	Do.	29	42	Lost.
Do.	Defeat	48	9	No change.
Lost	Success	37	31	Carried.
Do.	Do.	32	32	(?)
Carried	Defeat	45	14	No change.
Do.	Do.	43	16	Do.

(Appendix J)

APPENDIX

Year	Motion	Ayes	Noes
1924—concl'd.	39. Mr. K. F. Nariman's amendment to clause 7 (c) of the Children Bill.	45	38
	40. Mr. L. B. Bhopatkar's amendment to clause 37 of the Children Bill.	44	33
	41. Mr. R. G. Pradhan's amendment to clause 45 of the Children Bill	34	49
	42. Mr. S. S. Dev's amendment to clause 47 (1) of the Children Bill.	31	50
	43. Mr. K. F. Nariman's amendment to clause 47 (5) (6) (7) of the Children Bill.	41	33
	44. Mr. Jayakar's amendment to clause 52 (4) of the Children Bill.	37	51
	45. Motion No. II of 1924 to amend the Standing Orders by Mr. R. G. Pahalajani.	38	46
	46. Mr. A. N. Surve's motion that his Bill No. XXII of 1924 (District Police Act Amendment Bill) be read a first time.	41	39
	47. Motion that Bill No. XXII of 1924 be referred to a select committee.	45	34
1925	48. Mr. M. D. Karki's resolution regarding tagai for the flood stricken persons in Honavar Taluka.	44	30
	49. Mr. K. F. Nariman's resolution regarding Development Directorate Inquiry Committee.	39	35
	1. Motion that Bill No. II of 1925 (Stamp Act Amendment Bill) be read a first time.	43	44
	2. Mr. G. B. Pradhan's motion that provision of Rs. 4,00,000 for the construction of a building for the Government Central Press, Stationery Office, etc., be omitted.	40	41
	3. Mr. G. B. Pradhan's motion that provision of Rs. 25,200 for 3 Assistant Development officers be omitted.	35	35 plus 1 (36)
	4. Mr. G. B. Pradhan's motion that provision for travelling and fixed conveyance allowance (Development Department) be reduced by Rs. 50,000.	30	44
	5. Mr. K. F. Nariman's motion that the total demand for the Development Department be reduced by Rs. 61,99,000.	33	48

(Appendix J)

J—contd.

Result of division	Government success or defeat	If official <i>bloc</i> omitted, the result would have been		
		Ayes	Noes	Result
Carried ..	Defeat ..	45	20	No change.
Do. ..	Do. ..	44	15	Do.
Lost ..	Success ..	34	30	Carried.
Do. ..	Do. ..	31	31	(?)
Carried ..	Defeat ..	41	14	No change.
Lost ..	Success ..	37	32	Carried.
Do. ..	Do. ..	38	27	Do.
Carried ..	Defeat ..	41	20	No change.
Do. ..	Success ..	28	34	Lost.
Do. ..	Defeat ..	44	11	No change.
Do. ..	Do. ..	39	17	Do.
Lost ..	Do. ..	23	44	Do.
Do. ..	Success ..	40	21	Carried.
Do. ..	Do. ..	35	16	Do.
Do. ..	Do. ..	30	24	Do.
Do. ..	Do. ..	33	28	Do.

Year	Motion	Ayes	Noes
1925— <i>concl'd.</i>	6. Mr. D. B. Advani's motion that provision for the construction of works on the Lloyd Barrage be reduced by Rs. 33,80,000.	48	42
	7. Mr. B. G. Pahalajani's motion to reduce by Rs. 75,000 provision for Superintending Engineer, Indus Right Bank Division.	28	47
	8. Mr. K. F. Nariman's motion to reduce the provision of Rs. 1,21,168 for pay of police sergeants by Rs. 50,000.	26	49
	9. Mr. R. D. Shinde's motion for leave to introduce his Bill further to amend the Bombay Land Revenue Code, 1879.	34	31
	10. Motion to amend Standing Order IV, 1, as amended by the Select Committee.	30	40
	11. Amendment by Mr. K. F. Nariman to clause 2 of the Rent Acts Amendment Bill.	40	44
	12. Dr. M. B. Velkar's amendment to clause 4 (2) of the Rent Acts Amendment Bill.	35	53
	13. Mr. K. F. Nariman's amendment to clause 5, Schedule A of the Rent Acts Amendment Bill.	32	61
	14. Mr. K. F. Nariman's amendment to clause 7 of the Rent Acts Amendment Bill.	39	46
	15. Mr. G. I. Patel's amendment to clause 2 of Bill No. XII of 1925 (Bombay Port Trust Act Amendment Bill.)	45	40
	16. Supplementary Demand of Rs. 3,02,432 for development of Agriculture in the Lloyd Barrage Area.	55	33
	17. Honourable Mr. Lalubhai Samaldas' resolution regarding the appointment of a special officer and staff in connection with village water supply.	42	41
	18. Mr. L. B. Bhopatkar's amendment to clause 2 of Bill No. XXII of 1924 (Mr. Surje's Bill to amend the District Police Act, 1890).	27	52
	19. Mr. P. G. Joshi's amendment to clause 2 of Bill No. VIII of 1925 (Mr. D. R. Patil's Bill to amend the Village Police Act.)	27	52

(Appendix J)

J—contd.

Result of division	Government success or defeat	If official bloc omitted, the result would have been		
		Ayes	Noes	Result
Carried ..	Defeat ..	48	23	No change.
Lost ..	Success ..	28	27	Carried.
Do. ..	Do. ..	26	30	No change.
Carried ..	Defeat ..	34	12	Do.
Lost ..	Success ..	30	20	Carried.
Do. ..	Do. ..	40	23	Do.
Do. ..	Do. ..	35	32	Do
Do. ..	Do. ..	32	41	No change.
Do. ..	Do. ..	39	25	Carried.
Carried ..	Defeat ..	45	20	No change.
Do. ..	Success ..	35	33	Do.
Do. ..	Do. ..	23	41	Lost.
Lost ..	Success ..	27	33	No change.
Do. ..	Do. ..	27	32	Do.

CHAPTER VIII—THE LEGISLATURE

(Appendix J)

APPENDIX

Year	Motion	Ayes	
1925—concl'd.	20. Dr. M. B. Velkar's motion for leave to introduce his Bill to amend the Bombay Rent Acts.	27	53
	21. Mr. R. S. Nekaljay's resolution regarding salaries of watandar Mahars.	15	34
	22. Mr. Shankarrao Jayaramrao Zunzarrao's resolution regarding remuneration of Hereditary Village servants.	14	26
	23. Mr. H. M. Rahimtoola's resolution regarding two holidays for Ramzan-Id.		16
	24. Mr. A. N. Surve's amendment to clause 3 (2) of the Totalizator Betting Tax Bill.		32
	25. Mr. H. M. Rahimtoola's amendment to clause 10 of the Totalizator Betting Tax Bill.	18	30
	26. Mr. S. K. Bole's amendment to clause 10-B of Bombay Children Act Amendment Bill.		33
	27. Mr. S. K. Bole's amendment for addition of a clause 10-D in the Bombay Children Act Amendment Bill.	11	34
	28. Mr. Joseph Baptista's resolution stating that the Legislative Bodies Corrupt Practices Bill is unnecessary, etc.	24	27
1926	29. Mr. N. E. Navle's amendment to clause 2 of Bill No. X of 1925 (Hereditary Offices Act Amendment Bill).	14	27
	1. Motion that Bill No. I of 1926 (Stamp Act Amendment Bill) be read a first time.	45	40
	2. Mr. L. B. Bhopatkar's motion that Bill No. I of 1926 (Stamp Act Amendment Bill) be published for the purpose of eliciting opinion.	37	43
	3. Mr. G. B. Pradhan's motion that Bill No. I of 1926 (Stamp Act Amendment Bill) be referred to a select committee consisting of certain members, etc.	36	49
	4. Motion that Bill No. III of 1926 (Court Fees Act Amendment Bill) be read a first time.	51	40

(Appendix J)

J—contd.

Result of division	Government success or defeat	If official <i>blocc</i> omitted, the result would have been		
		Ayes	Noes	Result
Lost ..	Success ..	27	33	No change.
Do ..	Do. ..	15	14	Do.
Do. ..	Do. ..	14	7	Do
Do. ..	Do. ..	5	1	Do.
Do. ..	Do. ..	8	14	Do.
Do. ..	Do. ..	18	18	(?)
Do. ..	Do. ..	7	13	No change.
Do. ..	Do. ..	11	14	Do
Do. ..	Do. ..	24	8	Carried.
Do. ..	Do. ..	14	9	Do.
Carried ..	Do. ..	25	40	Lost
Lost ..	Do. ..	37	23	Carried.
Do. ..	Do. ..	36	29	Do
Carried ..	Do. ..	31	40	Lost.

(Appendix J)

APPENDIX

Year	Motion	Ayes	Noes
1926— <i>contd.</i>	5. Mr. K. F. Nariman's motion that total demand of Rs. 6,86,000 under Education Reserved be reduced to Rs. 6,70,000.	33	44
	6. Mr. G. B. Pradhan's motion to omit the provision for the pay of inspectors and assistant inspectors of factories.	16	46
	7. Mr. H. B. Shivdasani's motion that the total grant under the head of provision for inspectors of factories be reduced by one rupee.	4	42
	8. Mr. B. G. Pahalajani's motion that consideration of Bill No. VI of 1926 (Indian Stamp Act Amendment Bill) be postponed to the next session.	15	46
	9. Mr. G. I. Patel's motion that Bill No. VI of 1926 (Indian Stamp Act Amendment Bill) be referred to a select committee.	17	35
	10. Mr. B. G. Pahalajani's motion that total demand for establishment for Lloyd Barrage be reduced by Rs. 1,90,000.	13	36
	11. Mr. G. B. Pradhan's motion that provision of Rs. 1,50,000 for dredging plants be omitted.	21	29
	12. Mr. Lalji Naranji's motion that a sum of Rs. 67 lacs from the demand of Rs. 67,28,000 for Development Scheme be omitted.	16	42
	13. Mr. R. G. Pradhan's amendment to clause 1(3) of Bill No. III of 1926 (Court Fees Act Amendment Bill).	12	39
	14. Mr. J. Addyman's motion that his bill further to amend the Bombay Prevention of Gambling Act, 1887, be read a first time.	25	21
	15. Honourable Mr. J. E. B. Hotson's amendment to clause 14 (2) of the Sind Courts Bill.	34	11
	16. Motion that Bill No. V of 1926 (Bombay City Police Act Amendment Bill) be read a first time.	39	6
	17. Mr. A. N. Surve's motion that debate on Government resolution regarding water-finder should be postponed.	9	44

(Appendix J)

J—contd.

Result of division		Government success or defeat		If official bloc omitted, the result would have been		
				Ayes	Noes	Result
Lost	..	Success	..	33	26	Carried.
Do.	..	Do.	..	16	26	No change.
Do.	..	Do.	..	4	23	Do.
Do.	..	Do.	..	15	27	Do.
Do.	..	Do.	..	17	16	Carried.
Do.	..	Do.	..	13	18	No change
Do.	..	Do.	..	21	10	Carried.
Do.	..	Do.	..	16	23	No change.
Do.	..	Do.	..	12	20	Do.
Carried	..	Do.	..	14	21	Lost.
Do.	..	Do.	..	20	6	No change
Do.	..	Do.	..	20	6	Do.
Lost	..	Do.	..	9	24	Do.

(Appendix J)

APPENDIX

Year	Motion	Ayes	Noes
1926— <i>conold.</i>	18. Mr. S. S. Dev's motion that consideration of the Invalidation of Hindu Ceremonial Emoluments Bill be postponed <i>sine die</i> .	18	50
	19. Dr. M. B. Velkar's amendment to clause 4 of the Invalidation of Hindu Ceremonial Emoluments Bill.	17	40
	20. Mr. R. G. Pradhan's amendment to clause 5 of the Invalidation of Hindu Ceremonial Emoluments Bill.	32	46
	21. Motion by Mr. P. G. Joshi that Bill No. V of 1926 (Bombay City Police Act Amendment Bill) be postponed <i>sine die</i> .	27	50
1927	1. Motion that Bill No. V of 1927 further to amend the Indian Stamp (Bombay Amendment) Act be read a first time.	52	48
	2. Motion that Bill No. V of 1927 further to amend the Indian Stamp (Bombay Amendment) Act be read a second time.	52	26
	3. Mr. Sheth's motion that Bill XIX of 1926 to amend the Aden Civil and Criminal Justice Act be referred to a select committee.	41	38
	4. Motion sanctioning a new Council Hall	52	24
	5. Mr. Swaminarayan's motion to reduce by Rs. 11,936 contract contingencies under 5-Land Revenue.	39	33
	6. Mr. Pahalajani's motion to reduce by Rs. 53,33,000 the provision under Irrigation Works.	10	40
	7. Sir Joseph Kay's motion to reduce by Rs. 20,27,000 the provision under Back Bay Works.	68	26
	8. Mr. Lalji Naranji's motion to reduce by Rs. 1 the total demand for Back Bay Reclamation Scheme.	34	54
	9. Rao Bahadur Kale's resolution regarding Land Revenue Assessment principles being fixed by legislation.	52	29
	10. Mr. Munshi's amendment to clause 6 of the Aden Civil and Criminal Justice Act Amendment Bill.	29	45

(Appendix J)

J—contd.

Result of division	Government success or defeat	If official <i>bloc</i> omitted, the result would have been		
		Ayes	Noes	Result
Lost ..	Success ..	18	31	No change.
Do. ..	Do. ..	17	23	Do.
Do. ..	Do. ..	32	28	Carried.
Do. ..	Do. ..	27	30	No change
Carried ..	Dr. ..	31	48	Lost.
Do. ..	Do. ..	32	26	No change.
Do. ..	Defeat ..	41	17	Do.
Do. ..	Success ..	31	24	Do.
Do. ..	Defeat ..	39	13	Do.
Lost ..	Success ..	10	20	Do.
Carried ..	Defeat ..	68	4	Do.
Lost ..	Success ..	34	32	Carried.
Carried ..	Defeat ..	62	8	No change.
Lost ..	Success ..	29	23	Carried.

(Appendix J)

APPENDIX

Year	Motion	Ayes	Noes
1927—concl'd.	11. Mr. Nariman's amendment to motion to record Report of the Public Accounts Committee.	21	57
	12. Mr. Shivdasani's motion to reduce by Re. 1 supplementary demand for Famine relief.	35	41
	13. Rao Bahadur Kale's motion to reduce by Re. 1 the grant for extra remuneration to village officers in Bijapur District.	28	44
1928	1. Rao Bahadur Kale's amendment to clause 6 of the non-Agriculturists' Loans Bills for the laying of rules framed under the Act on the Council Table.	32	40
	2. Mr. Nariman's motion to reduce by Re. 1 the total expenditure under 42, Bombay Development Scheme.	20	46
	3. Mr. Nariman's motion to reduce by Re. 1 the total voted expenditure under Revenue Department; 22, General Administration.	35	44
	4. Supplementary Demand for expenditure on the Harvey-Nariman Case.	63	36

(Appendix J)

J—*consolid.*

Result of division	Government success or defeat	If official bloc omitted, the result would have been		
		Ayes	Noes	Result
Lost ..	Success ..	21	35	No change.
Do. ..	Do. ..	35	19	Carried.
Do ..	Do. ..	28	22	Do
Do. ..	Do. ..	32	18	Do.
Do. ..	Do. ..	20	24	No change.
Dc. ..	Do. ..	35	22	Carried.
Carried ..	Do ..	41	36	No change.

(Appendix K)

APPENDIX K

Summary of all Divisions.

Year	Total No. of Divisions	No. of Divisions in which Government were neutral	No. of Government Defeats	No. of Government Successes	If official <i>hac</i> omitted	
					No. of addi- tional Gov- ernment Defeats	No. of Ties
1921 .. .	33	1	11	21	12	..
1922	50	1	15	34	18	..
1923 . . .	16	1	7	8	4	..
1924	68	....	27	41	26	3
1925 .. .	59	1	4	54	26	1
1926	24	....	....	24	10	1
1927	39	....	7	32	12	..
1928	4	....	....	4	2	..

CHAPTER IX.—FINANCIAL

THE MESTON SETTLEMENT

A. HISTORICAL

478. With the proposals for Reform of the Indian Constitution it was seen that a revision of the financial arrangement between the Central and the Provincial Governments was essential. Formerly the finances of the two Governments were mixed up in a way which could not exist with the grant of autonomy to the provinces. The first important letter on financial reform which the Government of India addressed to the provinces was No. 396-F dated 15th February 1918. The Government of India enclosed a memorandum of discussions and conclusions of the Committee appointed to consider the separation of Imperial and Provincial finances and invited the views of the provincial Governments on the principles and general lines indicated in that note. The Committee consisted of Sir William Meyer, Sir J. Meston, Sir William Duke, and Mr. H. F. Howard. They suggested that in the interest of provincial autonomy it was desirable to eliminate the divided heads of revenue. Some members suggested that in order to secure the co-operation of the provincial Governments in the administration of Income-tax, a quarter share of revenue under that head should be assigned to the provincial Governments. If, however, it was decided to insist on entire separation, the Committee recommended that Income-tax should become a purely Imperial source of revenue. As regards Stamps, the Committee endorsed the proposal of splitting up the Stamps revenue into Judicial and General, and recommended that Judicial Stamps should go to the Provincial Government and General to the Central Government. The Committee also suggested that Excise should be entirely provincialised. Land Revenue and Major and Minor Irrigation should become entirely Provincial and with these should go the liability for expenditure on Famine Relief and protective Irrigation Works. In order to meet this liability on Famine Relief it was suggested that an annual provision should be made for this purpose. The Committee next considered the various alternatives of meeting the deficit in the Imperial budget caused by provincialising certain heads of revenue which were divided before. The proposal that found general favour was that contribution from each province should be calculated on the following basis :—The gross provincial revenue under the new scheme when divided heads were abolished was to be calculated. The total provincial expenditure also under the new scheme was then to be calculated. The difference between the two was called the "gross surplus". A fixed percentage of this gross surplus was to be taken as contribution leaving a surplus of revenue to the provinces. About 87 per cent. of the gross surplus was to be taken as contribution to the Central Government. It was decided to revise the contributions after a period of six years. After that the subsequent modified settlement should be regarded as permanent. In this Report of the Committee we also find the interesting statement made by Sir William Meyer that Madras

EVOLUTION OF THE
MESTON SETTLEMENT
(1917-1921).

(Evolution of the Meston Settlement—1917-1921)

and United Provinces contribute a greater percentage of their revenue to the Central Government than other Provinces. Questions about provincial taxation, borrowing and balances were also discussed by the Committee. This Report was sent to the Government of Bombay in February 1918. Before this Government could reply the Report on the Indian Constitutional Reforms was published, and Chapter VIII of that Report contained the proposals regarding the financial relations between the central and the provincial Governments. These proposals were more or less based on the report of the Committee referred to above.

479. The Montagu-Chelmsford Report started with an enunciation of the principle that in order to ensure provincial autonomy it was essential to find some means of entirely separating the resources of the Central and Provincial Governments. The separation of the sources of revenue was the cardinal principle on which the Government of India, the Montagu-Chelmsford Report, and all subsequent Reforms proposals had been based. The Montagu-Chelmsford Report stated the case for this principle as follows :—

PROPOSALS OF THE
MONTAGU-CH E L M S-
FORD REPORT.

“If provincial autonomy is to mean anything real, clearly the provinces must not be dependent on the Indian Government for the means of provincial development.” The Report therefore recommended that an estimate should be made of the requirements of the Central Government and resources to meet these requirements adequately should be secured to that Government. All the other revenue should then be handed over to the Provincial Governments which would be thenceforth wholly responsible for the development of the Provinces. The Report remarked that there were two difficulties in the way of doing away with the divided heads. Firstly, it had to be decided in what way the most important heads of revenue (Land Revenue and Income-tax) should be treated in the new arrangement. The second difficulty was of meeting the deficit of the Central Government due to the provincialisation of many of the divided heads. The Report pointed out that the divided heads prior to the Reforms were Land Revenue, Stamps, Excise, Income-tax and Irrigation. About Stamps and Excise the Report anticipated no trouble. Excise was to be entirely provincialised and revenue from Stamps was to be discriminated under the two sub-heads, General and Judicial, the former to go to the Government of India and the latter to the provinces. Land Revenue, the Report pointed out, was intimately connected with provincial administration and there would therefore be great advantages in making it provincial. With Land Revenue went Major and Minor Irrigation and Famine expenditure. The Report proposed to make all these heads provincial. As regards Income-tax the Report proposed that it should be allotted to the Central Government. Two reasons were advanced for making this an Indian receipt. First, there was the necessity of maintaining a uniform rate throughout the country.

(Evolution of the Meston Settlement—1917-1921)

Secondly, in the case of ramifying enterprises with their business centre in some big city, the province in which the tax was paid was not necessarily the province in which the income was earned. As against this the Report admitted some force in the argument that Income-tax was merely the industrial or professional complement of Land Revenue and that to provincialise the latter while centralising the former would mean giving those provinces whose wealth was more predominantly agricultural, such as the United Provinces and Madras, an initial advantage over a province like Bombay, which had very large commercial and industrial interests. Another argument against the allocation of Income-tax to the central Government was that the tax was collected by the provincial agency and in order to encourage proper collection it was necessary to give some interest to the provinces by way of a share of the revenue collected in the province. The framers of the Report while admitting these arguments as having some force were not prepared to let them stand in the way of a complete separation of resources. As far as collection was concerned they recommended an all-India agency if the collection was neglected by the Provinces. As regards equality of treatment as between one province and another, the Report stated that it must be reached so far as it is possible in the settlement as a whole and not in individual heads of revenue. As regards famine expenditure the Report proposed that Provinces should make annual provision for famine relief. The Report further considered how the large deficit in the Government of India's budget should be met. After examining other proposals it proposed to assess the contribution from each province to the Government of India as a percentage of the difference between the gross provincial revenue and the gross provincial expenditure. On the basis of the available figures the percentage proposed was 87. It was remarked that an objection might be taken that under this proposal some provinces would have to bear a very much heavier proportion of the cost of the Indian Government than others. Madras and United Provinces would be paying 47 and 41 per cent. of their remaining revenue to the Government of India, while Bengal and Bombay would be paying only 10 per cent. (*vide* recommendations of the Committee above referred to). The answer given to this objection by the Report was that the existing inequalities could not be removed immediately. The arrangement proposed would not be of a final nature and when revenue developed and a revision took place under normal conditions, an opportunity would arise for smoothing out inequalities. The contributions were to be revised after six years. These, briefly, were the proposals of the Montagu-Chelmsford Report.

480. The Government of India in their letter of 21st August 1918 forwarding these proposals invited the views of the provinces as regards the way in which the proposals affected each of the provinces. The principles underlying the scheme were supposed to be accepted by the Provincial Governments. The Government of Bombay in their

VIEWS OF THE
GOVERNMENT OF
BOMBAY ON THE
PROPOSALS.

(Evolution of the Meston Settlement—1917-1921)

letter of 7th December 1918 sent a joint reply to the two letters of the Government of India of 15th February 1918 and 21st August 1918. This Government accepted the proposal to abolish the divided heads of revenue and expenditure; one important exception was, however, made. That exception was the allocation of Income-tax to the Imperial Government as proposed under the scheme. After referring to the objections which the Report itself had recognised against the proposal, the Government of Bombay doubted whether the extent to which Bombay would be prejudicially affected by the proposal had been fully realised. It was pointed out that from the agricultural point of view the province was comparatively poor and its land revenue small and inelastic. Its excise revenue had probably reached its maximum development, and there was little scope except in Sind for any important remunerative works of irrigation. Such development as the Province had achieved in the past was due to the business enterprise of its people. If it was deprived of its share in Income-tax, it would lose the only living source of revenue which it possessed. Apart from these arguments referring solely to the individual case of Bombay, they pointed out certain other weighty considerations of a more general character. They remarked that in the first place, it appeared to be opposed to sound policy to divest the provincial Governments of all direct concern in the development of the industrial and commercial interests established within their jurisdiction. It had been observed in the Joint Report that Income-tax was the commercial and professional complement of Land Revenue. With the anticipated rapid expansion of the industrial potentialities of India, this complement was likely ultimately to become one of the dominant factors in the fiscal resources of the country. This being the case, the permanent exclusion of the Provincial Governments from participation in so important a source of revenue and from the obligation to foster its growth would necessarily tend to produce an ill-balanced and one-sided form of administration. On these grounds the Government of Bombay opposed the absolute centralising of Income-tax. They claimed in this letter a fixed pie-rate of 5 pies on every rupee of the total assessable income. The rest they were prepared to surrender to the Government of India. As regards the contribution, the Government of Bombay opposed the method proposed in the Montagu-Chelmsford Report. They preferred the original method of Sir James Meston which fixed the contribution on the basis of population, the rate per head being uniform for all provinces.

481. In paragraph 60 of the first despatch on the Constitutional Reforms sent by the Government of India to the Secretary of State in March 1919 they accepted the principle of the separation of the sources of revenue. As regards the proposal of fixing the provincial contributions, the Government of India accepted the scale of contributions rateable to the gross surplus of the provinces in the manner calculated in the Montagu-Chelmsford Report. They, however, proposed to make a careful study of

(Evolution of the Meston Settlement—1917-1921)

the figures before making specific recommendations as regards the exact amount of the contributions. They again observed that Madras would be contributing five times as much as Bombay, and the United Provinces five times as much as Bengal, while the Punjab and Burma would even be contributing more than the wealthier provinces. All the arguments in the Report were wholly accepted by the Government of India. The protests from Madras and United Provinces against the scheme of contributions were mentioned in the despatch. The Government of India appeared to be vaguely aware of the fact that the disparity in the scheme of contributions might be more than counter-balanced by the indirect payments which the so-called lightly burdened provinces (*viz.*, Bengal and Bombay), made to the central exchequer through Customs receipts, Income-tax, etc. In spite of this, however, the Government of India accepted as valid the arguments of the Madras and the United Provinces Governments and suggested that the standard contributions to be attained later should be based on "capacity to pay" and should replace the proposed unequal contributions. They further remarked that if later there was a surplus with the Central Government it should be used to remit these contributions altogether. In order to investigate the whole question, they recommended the appointment of a Committee on Financial Relations. In April 1919 the Government of India sent their third despatch on Constitutional Reforms. In this despatch they enclosed the figures for revenue and expenditure, appertaining to the Government of India under the new proposals. After examining the figures they worked out the central deficit at about £8 million. They recommended that these figures together with the figures which would be supplied by the provinces, should be submitted to the Committee on Financial Relations. The Committee was not to have any power to alter the figure of the central deficit because the Government of India remarked that that was mainly a question of budgetting which they were in a much better position to decide than the Committee. The Committee could however criticise and modify the normal figures of revenue and expenditure standards of individual provinces if they so desired.

482. As suggested in the above despatch the local Governments were addressed by the Government of India as regards the figures of normal revenue and expenditure and normal surplus. The Government of India stated that the stage had then been reached when it was necessary to take up the detailed working of the new settlements and they, therefore, requested the local Governments to take in hand the preparation of a reasoned statement of their normal surplus. The course proposed was to work on the figures of the 1919-20 budget, adjusted to include the revenue and expenditure which would be provincial according to the proposals in the Reforms Report, to clear the figures of abnormal features due to the war and other temporary causes and to provide for any immediate and obvious correction. When these

METHOD SUGGESTED
FOR THE PROPOSED
FINANCIAL SETTLE-
MENT.

(Evolution of the Meston Settlement—1917-1921)

figures were ready the Government of India proposed to call an informal conference at Simla to discuss the figures. The Government of Bombay replied to this letter in July 1919. The details required by the Government of India were sent with this letter and reference was also made to the original proposals made in the Bombay Government's letter of 7th December 1918 regarding the proper method of calculating the amount of provincial contributions. On the 21st August 1919 the Government of India sent out a demi-official letter inviting the attention of all local Governments to the proposals contained in paragraph 61 of their first despatch on Constitutional Reforms regarding the appointment of a Committee on Financial Relations. Before the Conference met the Government of India sent round a confidential circular memorandum, dated 17th September 1919, to the provincial Governments. In this memorandum they discussed the estimates prepared by the provinces of their normal surplus under the Reforms Scheme and also indicated the lines on which the proposed settlements were to take place. They emphasised the necessity for strictly adhering to the budget estimates of 1919-20 as a starting basis to work out the gross surplus and rateable contributions, as otherwise it would lead to interminable discussion with each province regarding a very large number of items of new expenditure, which in some provinces were not yet budgeted for though approved. The only fair course they suggested was to take the then current year's budget figure as the starting point. The memorandum then went on to examine critically the figures submitted by the various provinces.

483. The whole subject was discussed informally at the Simla Conference which met from 29th September to 2nd October 1919. The Chairman pointed out that the initial settlements could not profess to be more than a rough working arrangement pending the enquiries of the Committee on Financial Relations. He admitted that they would not lead to an equitable distribution of the Imperial deficit. Some provinces, such as Madras and United Provinces, might doubtless feel that they were contributing more than their share. Others, such as Bombay and Bengal, might point out that the new classification of revenues was arbitrary, and that the method adopted for working out the initial settlement would therefore not take into account the relative amounts of all-India revenues derived from the respective provinces. Mr. Mead, the Bombay representative, referred to the Bombay proposal that the provinces should be given a share in the Income-tax collections. Mr. Howard pointed out that the Government of India had originally leaned towards an arrangement of this kind but that they and the Secretary of State had been impressed by the necessity of a clean cut between all-India and provincial revenues. The matter in question was however one which would be decided by the Joint Committee of Parliament. After making certain modifications in the provisional figures summarised in paragraph 54 of the Government of India Memorandum dated 17th September 1919, the Conference agreed upon a set of figures regarding gross surpluses of

THE SIMLA CONFERENCE OF 1919.

(Evolution of the Meston Settlement—1917-1921)

the provinces. The Conference also considered other questions regarding powers of borrowing, taxation, etc., before it terminated.

In their Resolution No. 306-F., dated 27th January 1920, the Government of India notified the appointment of a Committee to advise on the financial relations between the Government of India and the Local Governments.

The Committee was to have Lord Meston as President, and Mr. Roberts and Lieutenant Commander Hilton-Young as members. The terms of reference to the Committee were to advise on—

(a) the contributions to be paid by the various provinces to the Central Government for the financial year 1921-22 ;

(b) the modifications to be made in the provincial contributions thereafter with a view to their equitable distribution until there ceases to be an all-India deficit ;

(c) the future financing of the provincial loan accounts.

The Committee were not asked to go into the question of the allocation of revenues, nor into the Bombay Government's claim for a share in the Income-tax revenue. In their letter No. J-13 dated 4th February 1920, the Government of Bombay protested against this procedure. They pointed out that the question of a share in Income-tax was of vital importance to them and that they had already raised it at the Simla Conference. It was also pointed out that a complete separation of the sources of revenue was chiefly of sentimental value and what was more important was which revenue should be scheduled as Provincial and which as Imperial. They claimed a share in Income-tax and suggested that this should be included as a term of reference to the Committee appointed. In reply to this representation, the Government of India conveyed their decision approved by the Secretary of State, to include the following in the terms of reference to the Meston Committee. The Committee was asked to advise whether the Government of Bombay should retain any share of the revenue derived from Income-tax. Before the decision of the Government of India was received by the Government of Bombay a representation covering the whole ground including Bombay's claim for a share in Income-tax was addressed to the Meston Committee.

484. The main points made in the representation were as follows :

REPRESENTATION
ADDRESSED BY THE
GOVERNMENT OF
BOMBAY TO THE
MESTON COMMITTEE.

the Government of Bombay argued that it was not correct to take the so-called direct contribution without taking into account the indirect contribution made by each province by way of Customs, Income-tax, Salt, etc., to the Imperial Government. The particular classification of public revenues as between all-India and Provincial revenues as contemplated in the Reforms scheme was wholly arbitrary and therefore any opinion based on the percentage of the so-called provincial revenues was entirely fallacious. They pointed out that the question was not of direct contribution of 6 crores or so, but of indirect contribution of nearly

(Evolution of the Meston Settlement—1917-1921)

72 crores by way of Customs revenue, Income-tax, Salt, etc., from all the provinces. It was contended that Bombay's contribution to the central revenues by way of these indirect methods of Customs and Income-tax was proportionately much higher than that of any other province. If it was feasible to prove the contribution of Bombay by way of taxation like Customs, and Income-tax, then it would have been reasonable even to claim a very considerable assignment from Imperial to Provincial revenues. The Government of Bombay therefore proposed that all direct taxation levied in a province should be classed as provincial. There was no principle on which Income-tax which was assessed on industry, commerce and on the professional classes should be marked as Central, while the taxation on agricultural resources was classed as Provincial. The allocation was purely arbitrary and in a province like Bombay where industrial, commercial and professional activities preponderate, it was unjust. This Government therefore protested strongly against the taking of this live head of revenue entirely from the province. They pointed out that "the inhabitants of a highly developed area who contributed a great deal more to the Provincial and Imperial taxation, demand a proportionately high standard of expenditure on their various needs and the rapid expansion of local resources which only Income-tax revenue can give." Certain statements were also annexed as annexures to the letter.

485. The Government of Bombay had a conference with the Meston Committee on the 5th March 1920 at which His Excellency the Governor was present. His Excellency roughly outlined the Bombay case and pointed out the inequity of not allowing an industrial province any share in Income-tax. The question was also raised why the additional term of reference regarding Income-tax was restricted to Bombay alone. The Conference examined the question of Income-tax. The opinion was expressed that adjustments in view of firms carrying on business outside Bombay but taxed in Bombay where their head-offices were, would be difficult but not inequitable. In reply to a doubt raised by Lord Meston regarding the levy of Income-tax on profits of banks with branches in other Presidencies, Sir Ibrahim Rahimtoola insisted on due credit being given to local capital and commercial acumen, and pointed out *inter alia* that the most reasonable clean cut as regards the sources of revenue would be to take all direct taxation as Provincial and to make Central the indirect forms of taxation, such as Railways, Posts, Customs, etc. This Government pressed for a half share of Income-tax.

486. The non-official members of the Legislative Council who gave evidence before the Meston Committee were Sir Purshotamdas Thakurdas, Dr. R. P. Paranjpye, Mr. Harilal Desai, Sir P. C. Sethna, Mr. R. H. Brooke and Sir C. V. Mehta. Mr. Harilal Desai pointed out that if Super-tax on companies were kept by the Indian Government and Income-tax and Super-tax on individuals were kept by the provincial Governments, it would be a division on proper principles. The objection that was urged with reference to taking half of Income-tax would not exist in

(Evolution of the Meston Settlement—1917-1921)

that case, firstly because there would be a complete division of sources and secondly because the corporation tax on companies would be worked by the Indian Government themselves. Mr. Desai computed that the latter would give one-fourth of Income-tax revenue to the Central Government. Dr. Paranjpye pointed out that the corporation tax on companies would also get round the argument of companies having their head-quarters at one place and their place of business in another place. Sir C. V. Mehta stressed the point that Income-tax was the only live source of revenue. The non-official members wound up by representing how the standard of expenditure of Bombay had outgrown those of other provinces and it was no use attacking the problem in a negative attitude by saying that because the other provinces would not benefit by a share in Income-tax, the proposal could not be considered.

487. The Meston Committee submitted their Report on the 31st March 1920. They turned down the demand of the REPORT OF THE MESTON COMMITTEE. Bombay Government for a share of the Income-tax revenue and saw no very strong reason to recommend a change in the allocation of the various heads of revenue of the Central and Provincial Governments. They remarked that they found it difficult to treat the issue of Income-tax as applicable to one province only. The grounds of the Bombay Government, they remarked, were common to all provinces and more specially to those in which large commercial and industrial activities were centred. The Committee made a very interesting statement that they doubted if it would be possible permanently to exclude local Governments from some form of direct taxation upon the industrial and commercial earnings of their people, and they recognised the natural anxiety of provinces to retain a share in a rapidly improving head of revenue. But after admitting these points, the Committee asserted that as far as Income-tax was concerned, they saw no reason to vary the scheme of the Report. They accepted the arguments given by the authors of the Montagu-Chelmsford Report, and in their opinion the second of the arguments seemed capable of further extension in the case of public companies with shareholders scattered over India and elsewhere. The Committee advised therefore that the whole of the Income-tax proceeds should be central. They considered that the needs of the Central Government in the near future were likely to be as great and to develop quite as rapidly as those of the provinces, while they did not apprehend that the richer provinces, such as Bombay, would be seriously handicapped in the administration of their own finances. The Committee attached a table showing the percentage of growth in the last eight years (1912-13 to 1920-21) under the proposed provincial heads from which they concluded that several of the provinces, and Bombay in particular, might look for reasonable elasticity in their revenues apart from Income-tax, an elasticity which would in most cases be encouraged by judicious capital outlay.

488. The case of General Stamps was considered to be somewhat different. The original figure of gross surplus GENERAL STAMPS MADE PROVINCIAL. of the provinces given in paragraph 206 of the

(Evolution of the Meston Settlement—1917-1921)

Reforms Report was subsequently reduced by the Government of India and the Simla Conference, and the modifications made in the normal revenue and expenditure of provinces showed that the poorer provinces would be left with no surplus if the proposal of the joint authors was accepted; whereas the Committee believed that the intention of the Report was to give each of the provinces some surplus revenue to start with. Special doles and temporary assistance were out of the question in the new scheme of Reforms. The only remedy was therefore to make General Stamps a provincial revenue throughout. The arguments against such a course were not of the same force as in the case of Income-tax. In fact there would be the taint of a divided head if Judicial Stamps were made Provincial and General Stamps Central. There were no practical difficulties in the proposal either. The Committee therefore recommended the provincialising of General Stamps. Because of this it was seen that the deficit of the Government of India would be increased by nearly four crores. After making certain minor adjustments the Committee finally calculated the deficit of the Government of India to be 983 lakhs.

DISTRIBUTION OF ALL-INDIA DEFICIT AMONG THE PROVIN- CES.	489. The manner in which they proposed to distribute the deficit among the provinces was as follows :—
---	--

At the outset they arrived at what was called "the extra spending power" of each province from the figures of normal revenue and expenditure as based on their proposals and then they considered the possibility of securing the All-India deficit by an even rate on all the provincial surpluses. They remarked; however, that the far-reaching disparity in the financial strength of the provinces precluded this apparently equitable arrangement as causing hardship in some cases. The Committee considered each province on its merits, relying as they remarked, "both on the abundant statistical information which was placed at our disposal and on the insight which we gained into the general situation by our local consultations with the best expert opinion." They then set out the recommendations in a table which has been used as a basis for Devolution Rule 17. In paragraph 21 they again reverted to the argument used by the Montagu-Chelmsford Report and the Government of India that Madras, the United Provinces and the Punjab would be making proportionately greater contributions than Bombay and Bengal. This, however, the Committee modified by recognising that Bengal and Bombay would make indirect contributions through Customs and Income-tax to the Government of India. In paragraphs 23 to 30 of the Report they discussed what the standard contributions of the provinces should be. In paragraph 27 they put down the percentage contribution to deficit which should be taken from each province. They remarked :

"In arriving at this ratio we have taken into consideration the indirect contributions of the provinces to the purse of the Government of India, and in particular the incidence of Customs duties and of Income-tax. We have inquired into the relative taxable capacities of the provinces, in the light of their agricultural and industrial wealth and of all other relevant incidents of their economic positions, including particularly their

(Evolution of the Meston Settlement—1917-1921)

liability to famine. It should be observed that we have considered their taxable capacities not only as they are at the present time, or as they will be in the immediate future, but from the point of view also of the capacity of each province for expansion and development agriculturally and industrially, and in respect of imperfectly developed assets such as minerals and forests. We have also given consideration to the elasticity of the existing heads of revenue which will be secured to each province, and to the availability of its wealth for taxation. After estimating, to the best of our ability, the weight which should be given to each of these circumstances, we recommend the following ratio as representing an equitable basis for the relative contributions of the provinces to the deficit."

There is ample reason to believe that the Committee had neither the statistical material available nor the time at their disposal (their tour of India and the report being completed in less than 8 weeks) to carry out to perfection this admirable statement of their aims. In paragraph 28 the Committee pointed out how this ratio should be attained. The figures need not be considered as the proposals on this point were not accepted.

490. On the 24th April the Government of India forwarded to this Government the Report of the Meston Committee. They asked for the Bombay Government's remarks and criticisms to be sent to them before 1st of June. On the 3rd of June the Government of Bombay sent a reply to this letter emphatically protesting against the recommendations of the Meston Committee. The main points of the letter may be briefly stated as follows :—

PROTEST MADE BY
THE GOVERNMENT OF
BOMBAY AGAINST THE
RECOMMENDATIONS OF
THE MESTON COM-
MITTEE.

The Government of Bombay regarded the proposals as totally unacceptable. If this Government were to finance wholly the main services of Law and Order, Education, Medical relief, and Sanitation from local resources the latter must not be handed over to this Government in the present emasculated form. It was a patent absurdity to leave this province with all the disabilities of a highly industrial province, such as the high cost of establishment, and higher standard of administration, to finance its liabilities out of the taxation of small cultivators and of the labouring classes. The Committee's proposal amounted to this that all taxation of the wealth and luxuries of the rich, such as foreign spirits, wines, expensive piece-goods, motor-cars, tobacco, cigars and cigarettes, should go to the Central revenues under the heads of Customs, and in addition all direct taxation of this class should be sequestered for Imperial demands. The allowance made to this Government for this indirect contribution was *prima facie* absurdly inadequate. The Bombay Government pointed out that in paragraph 7 of the Committee's report an attempt was made to give the impression that in Bombay particularly there was a great capacity for future growth in the revenues assigned to the Province. These figures were pointed out to be fallacious. For example, the increase in Excise revenue was due to the drastic increase in taxation on liquor and also to the auction system of issuing licenses. The method was in force in Madras for a long time, but it was introduced in Bombay only in 1917-18. In the four years after that the Excise revenue rose by about 65 per cent. These high prices obtained at the bidding for the licenses were due in

(Fight against the Meston Settlement—1921-1927)

493. The Joint Parliamentary Committee remarked that the acceptance of the latter proposal emphasised the intention that the contributions from the provinces to the Central Government should cease at the earliest possible moment. The Committee attached great importance to the fulfilment of this intention and they therefore recommended to the Government of India that steps should be taken to ensure the abolition of the contributions within a reasonably short period. They directed the Government of India and the Secretary of State to make constant endeavour to render the Central Government independent of provincial assistance at the earliest possible date.

SUGGESTED ABOLITION OF PROVINCIAL CONTRIBUTIONS: SUMMARY OF THE MESTON SETTLEMENT.

This was the last stage in the evolution of the Meston settlement. The settlement as far as it refers to the distribution of sources between the Central and the Provincial Governments might be summarised as follows :

Income-tax, Salt, Opium, Railways, Posts and Telegraphs, were made central sources of revenue. Land Revenue, Excise, non-Judicial and Judicial Stamps, Forests, Registration, and Irrigation, were made provincial sources of revenue. The contributions were fixed under Devolution Rule 17. Devolution Rule 18 provided for the gradual extinction of contributions. The industrial provinces got a grudging concession in Devolution Rule 15 but the Rule as it was framed has been always taking with one hand what was given by the other.

494. Since the inauguration of the new financial settlement as finally embodied in the Devolution Rules, there have been a series of protests and representations from the Government of Bombay, the Legislative Council and non-official bodies. The Legislative Council has taken a very keen interest in the fight against the Meston Settlement. Innumerable resolutions are sent in at every session requesting the Government to approach the Government of India for a revision of the Meston Settlement.

FIGHT AGAINST THE MESTON SETTLEMENT, 1921-1927.

After the report of the Joint Parliamentary Committee, this Government in February 1922 addressed a representation to the Government of India. The main points of the representation were as follows. It was pointed out that the expectations as regards the growth of our heads of revenue entertained by the Meston Committee had proved after two years working to be entirely wrong. The latest figures were given to prove this point. Government also dealt with the two palliative measures which were sanctioned by the Joint Parliamentary Committee. As regards the restriction of Bombay's contribution to the central deficit to the sum of Rs. 56 lakhs, it was pointed out that this did not give any actual relief but only relief from future liabilities. As regards Devolution Rule 15 regarding the allocation of a share of Income-tax, this Government pointed out that though the measure was designed presumably to assist industrial provinces in particular, it had proved wholly illusory

(Fight against the Meston Settlement—1921-1927)

in this Presidency. The very insignificant nature of the three-pie rate was proved by the Government of Bombay by showing that even when the total income-tax and Super-tax received by the Government of India amounted to a large figure, this Government would get a very small share of it. The Government of Bombay therefore suggested that a simple and intelligible system of a share of all increase in both Income-tax and Super-tax should be substituted for the existing unsatisfactory device. It was proposed that Bombay should get one-third of the total increase in revenue for the year 1921-22 over the datum line of 1920-21.

495. A conference of Financial Representatives was held at Simla in April 1922. In this Conference the Government of Bombay asked for a share of Income-tax even in exchange for a share of Land Revenue. The other provinces opposed all the Bombay proposals. The conclusions arrived at the Conference were discussed by the Government of India in their despatch dated 13th July 1922 to the Secretary of State. The Government of India reviewed the discussion at the Financial Conference of provincial representatives held in Simla in April 1922 and gave a review of the financial position of the provinces almost all of which showed deficit budgets. The discussion also dealt with Bombay's demand for a revision of the Settlement and a claim for one-third share of the increase in the Income-tax revenue. It was pointed out that other provinces opposed any reversion to the scheme of divided heads and with the exception of Bengal they also strongly disapproved of any proposal to revise the Financial Settlement. The other provinces while they laid the greatest possible stress upon the necessity for the speedy reduction and abolition of the provincial contributions held strongly to their view that the existing Financial Settlement should be retained intact.

496. In 1922 Bengal was allowed a remission of its contribution. This Government protested strongly against this special favour shown to Bengal. In their letter of 4th August 1922 the Government of Bombay repeated their dissatisfaction with the Settlement. It was pointed out that the Government of India, who cited the authority of Devolution Rules as approved by Parliament, were ready to throw them aside without due authority in favour of Bengal. The Government of Bombay had nothing to say against Bengal receiving any help, but they protested that the help should have been given in this objectionable manner.

497. In the autumn session of the Legislative Assembly in the same year (1922) a resolution was moved that the total contribution be reduced by 2 crores and the benefit be given to Madras, United Provinces and the Punjab. To this resolution an amendment was moved by the representatives (official and non-official) of Bombay to the effect that a Commission should be appointed to go into the whole question of the Financial Settlement. Both the

CONFERENCE OF
FINANCIAL REPRESENTATIVES,
APRIL 1922.

BENGAL ALLOWED
A REMISSION OF ITS
CONTRIBUTION.

PROTEST MADE BY
BOMBAY REPRESENTATIVES
IN THE LEGISLATIVE ASSEMBLY.

(Fight against the Meston Settlement—1921-1927)

resolution and the amendment were negatived; but the Bombay representatives exposed the inequity of the existing allocation by stating the Bombay case fully.

498. In October 1922, the Government of Bombay addressed another letter to the Government of India asking for an early authoritative and impartial re-examination of the existing Settlement. They pointed out the failure of the Settlement in solving the problem of Central and Provincial finance. In putting forward their claim for a share in Income-tax they pointed out that in Australia, both the Commonwealth and the States Governments levied Income-tax. The difficulties in dividing heads of revenue were in the opinion of the Government of Bombay overstated. The capital error committed by the Meston Committee which vitiated their proposals was their refusal to recognise that the administrative needs of an industrial and an agricultural province could not be measured on the same plane. It was pointed out that it was fantastic to argue that State expenditure per head of population should be the same in every provincial area. The State expenditure per head in Tasmania was less than half of that in West Australia, and little more than half of that in New South Wales and Queensland. The people of Bombay demanded a standard of the amenities of civilisation in the shape of education, hospitals, medical research, facilities for rapid transport and communications, which were unknown and scarcely desired in rural areas elsewhere; and since they paid at least 4 times as much taxation per head as the people of other provinces, they could not be expected to remain content with a system which diverts the product of their industry, energy and intelligence to the Central exchequer.

499. In reply to the despatch embodying the conclusions of the Simla Conference of April 1922 the Secretary of State in November 1922, while regretting that the expectations raised in the Meston Committee Report were not fully realised, held that the provincial Governments, still got something more than what they would have got according to the previous Settlement. He therefore emphasised the need for economy and retrenchment and also laid stress on the Central Government concentrating its resources with a view to wiping out the provincial contributions as quickly as possible. He refused to make any changes in the existing Settlement.

500. On 9th February 1923, this Government again addressed another letter to the Government of India. In this letter they pointed out that any steps to reduce the contributions of Madras, the Punjab or the United Provinces would gravely prejudice Bombay's case. The size of the contributions of the highly favoured agricultural provinces, was entirely illusory since in point of fact Bombay's real contribution to the central exchequer including Income-tax and Super-tax was considerably greater than the contributions of Madras, the Punjab, or the United

(Fight against the Meston Settlement—1921-1927)

Provinces. The Government of Bombay therefore asked for an assurance that pending the consideration of their representation, the *status quo* should be observed and no reduction of provincial contributions, which, under the Devolution Rules, could only discriminate still more unfairly between this Presidency and those referred to above, should be allowed. In their letter of 22nd February 1923, the Government of India refused to give this assurance taking their stand on the Devolution Rules as approved by both Houses of Parliament and reaffirmed by the Secretary of State.

501. In their letter No. 1099-F. dated 16th July 1923, the Government of India informed the provincial Governments that they were considering the question of instituting a scientific enquiry into Indian taxation—central, provincial and local, and asked for an opinion of the Local Government on the questions, among others, whether the enquiry should be undertaken by special experts in consultation with central and provincial Governments or by a Committee, and what the terms of reference for such an enquiry should be. In reply to Bombay Government's telegram asking whether the Meston Settlement came within the scope of the proposed enquiry, the Government of India evaded the question.

In their letter of 6th September 1923, this Government while welcoming a really exhaustive enquiry, opposed the non-inclusion of the Meston Settlement in the terms of reference. It was pointed out that if the whole subject of Indian taxation was to be thrown into the melting pot of criticism, there could be no exclusion of existing interests and no reservations in favour of those Governments who might have secured any advantage to themselves under the existing system. This Government therefore refused to consent to this enquiry. At the instance of the Government of India, the question was discussed at the Conference of Finance Members in November 1923 and the appointment of a Committee to consider whether the whole scheme of taxation—central, provincial and local—was equitable and in accordance with economic principles, was agreed upon.

502. During the general discussion on the budget in the Legislative Assembly in March 1924, Mr. Bell, an official representative of this Government, raised the question of the Meston Settlement and gave figures to show how the anticipations of the Meston Committee in paragraph 7 of their Report regarding the rapidly expanding nature of the provincial revenues, had been falsified. He pointed out how inequitable it was that the Central Government should take away by way of Income-tax and Customs revenue all the taxation of industrial and commercial classes; whereas the provincial Governments had to bear all the increased expenditure from the non-expanding sources like Land Revenue and Excise. In 1925 Mr. Hudson, another Provincial representative, again made a similar speech on the Meston Settlement in the Legislative Assembly.

FURTHER PROTESTS
MADE BY BOMBAY
REPRESENTATIVES IN
THE LEGISLATIVE
ASSEMBLY.

(Fight against the Meston Settlement—1921-1927)

503. In his budget speech in March 1925, the Finance Member of the Government of India announced the decision to remit the contributions of four provinces to the extent of 2·5 crores under Devolution Rule 18 as well as to remit totally the contribution of Bengal for three more years. Bombay was left out and no relief was given to this Province. The members of the Bombay Legislative Council were exasperated at this and immediately adopted a resolution urging upon this Government the necessity of urgently communicating to the Government of India by a proper representation from the House, the just claims of Bombay for further consideration. The representation was drafted and sent to the Government of India by March 14th. Three reasons were advanced for claiming reconsideration of the whole situation and for reopening the Meston Settlement :

PROTEST RESOLU-
TION PASSED IN THE
BOMBAY LEGISLATIVE
COUNCIL.

(1) the whole Settlement as proposed had already been modified by changes made in Devolution Rules 15 and 18 ;

(2) the premises on which the Settlement was based could be demonstrated to be erroneous ;

(3) the anticipations of the Meston Committee could be demonstrated to have been completely falsified by events.

Analysing the figures in detail it was first shown how out of the 18½ crores of net increase of revenue, the four provinces Madras, United Provinces, the Punjab and Burma, got 15 crores while Bombay got only 92 lakhs. The Meston Committee admitted that this increase in revenue came to the provinces as a windfall or as a bye-product of a constitutional change and not as a result of the consideration of the financial needs of individual provinces. The Settlement had come about from political and not primarily from financial motives. The Meston Committee did not consider themselves called upon to justify such a violent change in the existing revenues. After pointing this out, the representation went on to show how the anticipations of the Meston Committee regarding the future expansion of provincial revenues had proved false. As regards the Committee's statement that Bombay had attained a scale of expenditure far above the Indian average, it was pointed out that nobody could question the right of a province to tax itself more in order to provide for itself better facilities of education, medical relief, sanitation, etc. On the other hand the grievance of the people was that while the taxes handsomely contributed by the wealthier classes, such as Income-tax, Super-tax, Customs, etc., were appropriated by the Central Government, the Provincial Government was left to provide for the amenities of those classes out of taxes raised from the rural population. Further, it was pointed out that during the years 1920-23 this Province had contributed 36 per cent of the total taxes on income collected in the whole of India. Even if allowance were made for taxes paid by companies in other provinces, it could not be disputed that Bombay paid far more than other provinces. It was then urged that pending the revision of allocation of the sources of revenue, the contribution of 56 lakhs which this Government

(Fight against the Meston Settlement—1921-1927)

paid should be entirely remitted as in the case of Bengal. It was further pointed out that Bombay contributed to the central exchequer several times more per head than other provinces in India. It was therefore claimed that Bombay should get some share of the large revenue it contributed to the Government of India. The representation then went on to cite the financial arrangements of other federal countries which were based on quite different principles from those accepted by the Montagu-Chelmsford Report. Separation of sources of revenue was shown not to be an absolutely essential condition of federal finance. Lastly the representation stated that even the Reforms Enquiry Committee had recommended a revision of the Meston Settlement and it was therefore pressed that the whole case should be referred to another Committee.

504. In forwarding this representation to the Government of India, this Government drew their attention to the previous protests made by it.* THE GOVERNMENT OF INDIA'S REPLY. The Finance Member of the Government of India had expressed in the Assembly his willingness to consider the amendment of Devolution Rule 15 but the question was so urgent that it could not be postponed until the next Conference of Finance Members. It was therefore requested that an immediate reference of the whole Meston Settlement should be made to the Taxation Enquiry Committee.

In their letter of 24th March 1925, the Government of India regretted their inability to entrust the revision of the Meston Settlement to the Indian Taxation Enquiry Committee. They expressed, however, their willingness to ask the Committee to advise on Devolution Rule 15. On 12th of April the Government of Bombay enquired whether the reference to the Taxation Committee had been made. On 22nd April 1925, the Government of India communicated the following as the additional terms of reference to the Taxation Enquiry Committee :—

“The operation of Devolution Rule 15 in regard to the allocation of a share of Income-tax to Provincial Governments has not been quite fair to all of them and the Committee should advise on this aspect of the case.”

The Government of India also communicated their intention to discuss the subject at the Finance Members' Conference in November 1925.

505. Prior to the Conference of Finance Members in 1925, the Government of India circulated a memorandum containing the *ad interim* conclusions of the Taxation Enquiry Committee with regard to the amendment of Devolution Rule 15. PROVISIONAL CONCLUSIONS OF THE TAXATION ENQUIRY COMMITTEE. The Committee after examining the question in all its aspects came to the conclusion that the whole system of dividing the Income-tax on the basis of a datum line was unsound for the following reasons :—

* For further details of the working of Devolution Rule 15, see Appendix C.

(Fight against the Meston Settlement—1921-1927)

(1) the prosperity and depression of industries in the main industrial provinces do not synchronise. A year of boom in Bombay may be a year of depression in Bengal and *vice versa* ;

(2) the adoption of a datum line has the defect of giving a premium to provinces where Income-tax assessment had not been satisfactory before the introduction of the new centralised Income-tax Department ;

(3) different datum lines for different provinces would be little removed from an arbitrary distribution of funds.

In view of these considerations the Committee decided to take up the question as a part of the major question of the theoretically correct distribution of taxes between the Central, Provincial and Local.

506. The question of amendment of Devolution Rule 15 was discussed at the Conference of 1925. The Government of India admitted that Devolution Rule 15 had not worked in practice as it was intended to work, but it could not be revised without raising the general question of the revision of the Meston Settlement. Mr. Wiles, Finance Secretary of the Government of Bombay, expressed a hope that the reported opinion of the Taxation Enquiry Committee would not lead to the abandonment of the relief proposed to be given to the province by the amendment of the rule and suggested that a more satisfactory datum line for calculation would be based not on the assessed income of the particular year 1920-21, but on the average of the 10 years ending 1920-21. The Chairman undertook to have the suggestion of Bombay carefully examined.

507. At the beginning of 1926 the Taxation Enquiry Committee submitted its Report. The Report discussed whether certain taxes should be Imperial or Provincial in the interests of efficiency of administration and general principles. The Committee examined all the taxes levied in India and expressed their views as to which authority should properly be responsible for the administration of any particular tax. They made certain proposals about non-judicial Stamps and Income-tax which formed the basis of subsequent changes proposed by the Government of India. The Report as a whole has done little to affect the Meston Settlement in any way. This brings us to the last stage of this aspect of the question and the abortive attempts made by the Government of India to carry out minor changes in the Meston Settlement may be briefly mentioned. In August 1926, the Government of India addressed a letter to all provincial Governments making tentative proposals for certain modifications of the Meston Settlement based on the recommendations of the Taxation Enquiry Committee. They pointed out that the Committee was not asked to consider the equity of the Meston Award ; they could only indicate the theoretically correct distribution of taxes between Imperial, Provincial and Local. The Taxation Committee considered that a division of Income-tax was unavoidable if

(Fight against the Meston Settlement—1921-1927)

the distribution of the taxes was to be fair to industrial and agricultural provinces alike and that if equilibrium could be secured by this means alone, it was undesirable to use any other balancing factor. The final recommendations of the Committee reduced themselves to—

- (a) the transfer of non-judicial Stamps, Excise duty on country-made foreign liquor and possibly the revenue now derived from Excise opium to the Imperial Government, and
- (b) the establishment of equilibrium by the transfer to the provinces of a share of Income-tax.

The Government of India in their letter were concerned with non-judicial Stamps and Income-tax. Before making any new proposals as regards the revision of the Meston Settlement, the Government of India laid down four propositions, acceptance of which they considered necessary in the interest of equity.

The propositions were :

- (1) The Meston Award should be regarded as the settlement which holds the field so far as its major achievements are concerned.
- (2) The changes to be introduced into that Settlement should be kept down to the minimum.
- (3) Any sacrifice of revenue involved in a redistribution of taxes must be at the expense of the Central Government and cannot be made until the provincial contributions have ceased.
- (4) The distribution of taxes should give the Central Government sufficient freedom to expand its revenues to meet emergencies, such as a great war.

Following these principles, the proposals which the Government of India made in this letter may be briefly summed up as follows :—

- (1) Non-judicial Stamps should be transferred to the Central Government.
- (2) The provinces should be given the proceeds of a flat rate of Income-tax (say, for purposes of illustration, 2½ or 3 pies in the rupee) on personal assessable income from all sources (including dividends from companies wherever situated) of assesses resident within the province. The administration of the Income-tax department would continue to be exclusively under the Central Government but it was not proposed to debit any portion of the cost of the department to the Provincial Governments.
- (3) The resulting provincial deficits, adjusted with reference to existing annual assignments, would be made good by means of fixed assignments from the Central Government which would remain unchanged indefinitely, the amounts of such assignments being so calculated as to place the provinces in approximately the same financial position at the outset as if no change had been made in the Meston Settlement. The flat rate of Income-tax would be so fixed as to reduce the central assignments to as low a figure as possible.

(Fight against the Meston Settlement—1921-1927)

508. On the 26th October 1926 the official reply to the Government of India's letter of August 1926 was sent. The position which the Government of Bombay took up may be summed up as follows :—

(1) they maintained their claim that the Meston Settlement should be reconsidered.

Subject to this claim,

(2) they desired Devolution Rule 15 to be modified as suggested before the proposed revision of the Settlement was effected and the revenue which Bombay would receive from Devolution Rule 15 as so modified to be taken into account in considering its share of the taxation of income ;

(3) the difference between what Bombay would have received under a more equitable Devolution Rule 15 and the existing rule, since the Reforms, should be made good by a lump payment to Bombay ;

(4) the modification of Devolution Rule 15 should take precedence of the remission of provincial contributions, if both could not be effected at once ;

(5) further detailed consideration should be given to the question of dividing non-judicial stamps between Central and Provincial Governments. They pointed out that not all items of the stamp revenue needed to be centralised. Especially in the case of the taxation of " futures " they were not prepared to give up this source of revenue because they hoped to levy this tax in future and to realise a great deal of revenue from it ;

(6) the proposed basis for distributing their share of Income-tax among the different provinces could not be accepted in the absence of reliable figures. The basis should be determined after obtaining actual figures of personal assessed incomes of the different provinces and should be such as to compensate adequately provinces such as Bombay, which derived a larger share of the tax from income assessed at higher rates than other provinces. The Government of Bombay placed before the Government of India their demand for a graduated pie rate but did not press for it ;

(7) the pie rate on the assessed income should be as high as possible and the fixed assignments as low as possible, or eliminated ;

(8) the rate should be so fixed as to compensate the provinces for the prospective growth of revenue from non-judicial stamps and for the loss of the right to increase it by means of provincial legislation ;

(9) if immediate relief could not be given to this Presidency by means of the modifications in Devolution Rule 15 proposed in (2) and (3), its provincial contribution should be remitted temporarily.

Apart from these points, the Government of Bombay put forward for the consideration of the Government of India the suggestion that in the event of these proposals failing to secure acceptance, it would

(Fight against the Meston Settlement—1921-1927)

be more equitable in any case that the India surplus in 1927-28 should be divided in arithmetical proportion to the amount of the outstanding contributions instead of according to the existing scale.

509. The proposals were discussed at the Conference of Financial Representatives in November 1926. After discussion both in the full Conference and in the specially appointed Sub-Committee, the following general propositions were agreed to by the Conference pending examination of the whole subject by the Statutory Commission :—

CONCLUSIONS OF THE
FINANCIAL CONFERENCE
OF NOVEMBER
1926.

(i) It was desirable in principle that some of the Stamp duties (broadly those suggested by the Finance Department of the Government of India) should become central sources of revenue, provided that the provinces were adequately compensated for the loss both of actual revenue and of potential increases of revenue.

(ii) It was desirable that a new formula should be found to replace Devolution Rule 15, of such a character as to give each province an interest in receipts, from taxes on income which would reflect the growing prosperity of the province as measured by assessments, provided that the amount payable to each province should be not less than it would get under Devolution Rule 15. (It was understood that the question of the assessment which should be adopted as the basis of the formula would remain open). The alternatives included the following :—

(a) Total assessable incomes in each Province.

(b) Personal incomes only including dividends from companies wherever situated of assesseees resident within the Province.

(c) Personal incomes *plus* incomes assessable to Super-tax.

(d) Personal incomes *plus* companies' income.

(iii) No modification ought to be made in the direction of increasing the sums payable out of the proceeds of central revenues to particular provinces, until the Government of India had first extinguished the provincial contributions (Bombay dissented while Bihar and Orissa remained neutral).

(iv) It was not desirable to effect major changes in the Meston Settlement as regards the taxes allocated to the central and provincial Governments respectively, or as regards the relative position of one province to another. (Bombay and Bengal dissented and maintained their demand for a complete revision of the Settlement. Bihar and Orissa stated that they never accepted the Meston Settlement as a satisfactory final arrangement. Burma agreed provided that the question of rice duty was not held to be a major change. The Central Provinces and the United Provinces reserved consideration of the Famine Insurance Fund. Assam asked that the question of tea duty should remain open.)

(Fight against the Meston Settlement—1921-1927)

(v) It was desirable to arrive at a settlement of questions (i) and (ii) in such a way as to secure that, as soon as the provincial contributions are extinguished, the new formula regarding Income-tax might come into force, giving to each province an assignment in respect of Income-tax varying with the Income-tax assessments of each year (the question on what assessments the formula should be based being left open), which would not be less than was sufficient to compensate it for any loss of stamp revenue and for the assignment which it would receive or expected thereafter to receive under Devolution Rule 15 as it stood, such assignment also if possible to absorb existing temporary assignments if any. (Bombay agreed subject to the condition that in fixing the assignment the fact that Bombay had suffered in a marked degree on account of the defective operation of Devolution Rule 15 should be taken into consideration. They maintained a right to payment of arrears under the Rule as it ought to have operated if the basis had been equitable.)

(vi) It was desirable that the new formula should be uniform for all provinces if possible. But at the same time if the new formula was such as to give greater increases in revenue to some provinces than to others, the advantage gained by one province over another should not be so great as seriously to disturb the balance established between province and province by the Meston Settlement.

510. On the recommendations of this Conference the Government of India asked from the provinces an estimate of the revenue under non-judicial Stamps which the Conference had recommended should be transferred to the central Government. In their letter No. 5007-A dated 19th May 1927, the Government of Bombay replied that as regards documents now reserved for central legislation, the estimate of revenue was in 1924-25. 35½ lakhs and in 1925-26—32½ lakhs. As regards the estimate of revenue in the case of other documents which for administrative and other reasons were proposed to be centralised, the Superintendents of Stamps stated that they had no means of estimating the revenue under them.

511. At the end of September 1927, the Government of India again addressed all provincial Governments as regards the readjustment within the Meston Settlement. After citing the recommendations of the Finance Members' Conference of 1926, the Government of India made their new proposals. These may be briefly summarised as follows :—

FRESH PROPOSALS
MADE BY THE GOVERN-
MENT OF INDIA
SEPTEMBER 1927.

(1) Stamp duties on the documents specified in Annexure A to their letter should be transferred to the Central Government.

(2) The Provinces should be given a share of Income-tax at the rate of three pies in the rupee on personal assessable incomes from all sources of assesseees resident within the Province.

(Fight against the Meston Settlement—1921-1927)

(3) The assignments under Devolution Rule 15 and other revenue assignments which are not in the nature of payments for specific services rendered, should be abolished.

(4) If, in the case of any Province, the proceeds of the three pie rate were less than the loss of revenue from (1) and (3), the difference should be made good by means of an assignment from Central Revenues until the question of the future financial relations between the Central Government and the Provincial Governments was settled after enquiry by the Statutory Commission.

The Government of India pointed out that the proposed readjustment was likely to result in an initial sacrifice by the Central Government of nearly Rs. 65 lakhs. They dealt at length with the question why the personal assessed incomes and not total assessed incomes should be taken as the basis for calculation. The main reason for doing this was to give predominance to the principle of domicile and to avoid the defect pointed out by many critics that the shareholders of companies which paid their tax in a particular province, might be scattered over many provinces.

512. To this letter the Government of Bombay replied on the 2nd November 1927. As regards the computation of the Government of India that the revenue to be surrendered on account of centralisation of certain heads would amount to 38 lakhs in Bombay, the Government of Bombay pointed out that as regards the stamp duty on documents now reserved for Central Legislation they estimated on an average about 33 to 34 lakhs of revenue. It was difficult to say how the Government of India computed for the remaining heads a total revenue of only 3 to 5 lakhs. The Government of Bombay, therefore, expressed their doubt as regards the accuracy of the estimate. As regards the figure of personal incomes given in the Government of India's letter, it was pointed out that this figure in the case of many provinces and for India as a whole was equal to or even less than Return IV of the Income-tax Report, which was certainly pure personal income. In other words the Government of Bombay pointed out that according to the Government of India, no income which came under Return III of the Report could be personal income—a proposition which is open to serious doubt. The Government of Bombay therefore questioned the accuracy of these figures of personal incomes. They pointed out their difficulty in understanding the full implication of the proposal in the absence of reliable figures. They further pointed out that this difficulty of computing personal incomes was likely to be recurring. Further, as the administration of Income-tax was entirely Central, the Provincial Governments would have no means of checking the accuracy of the personal income figures. The Government of Bombay therefore urged upon the Government of India the desirability of taking a basis like total assessed income, which was above suspicion. As regards the flat rate of three pies, this Government pressed for a graduated pie rate as recommended by the Taxation Enquiry Committee. It was pointed out that such a graduated

(The Working of the Meston Settlement)

rate would enable the industrial provinces to have a fair share in the growing prosperity of their own industry. Lastly, the Government of Bombay pressed also for a share in Super-tax as being the only way in which the Government of an industrial province could share in the prosperity of the province. The Super-tax in the boom year (1921-22) was 347 lakhs and in 1926-27 it was only 72 lakhs. A graduated pie rate for Super-tax could be devised on the same principle as that recommended in the case of Income-tax.

These proposals were discussed at the Conference of Financial Representatives in November 1927. The Conference showed divergence of views between the various provinces. Bombay and Bengal were not satisfied with the sums they received under the proposal. The United Provinces, the Central Provinces and Bihar and Orissa accepted the proposal; Burma was neutral; Assam and Madras were for postponement. The Government of India therefore arrived at no conclusions on the proposal and after noting the divergent views of the various Provincial Governments decided to postpone consideration of the proposal pending the enquiry into the whole question by the Indian Statutory Commission.

B. The Working of the Meston Settlement

513. In one of their letters the Government of India referred to what they called the "major achievements" of the Meston Settlement. As far as Bombay is concerned the "major achievements" of the Meston Settlement have been one long tale of failure and privations. Bombay protested from the beginning against the academic and mistaken views of the Government of India but its protests were unheeded. The result has been the stunting of growth or development in the nation building as well as other necessary departments, and a period of stagnation and in some cases of actual retrogression in the administration of this province. These are the "major achievements" of the Meston Settlement in this province and in the following paragraphs they will be discussed in detail.

514. In all the proposals for the redistribution of resources under the Reforms, it was pointed out that the Provincial Governments would have additional resources placed at their disposal. The Meyer Committee, the Montagu-Chelmsford Report, and the Simla Conference, all calculated what this additional spending power would be. In paragraphs 16 and 17 of the Meston Committee Report, the problem was finally disposed of. The method was to calculate the normal revenue and the normal expenditure under the new settlement and then to calculate the additional spending power secured to each of the provinces. The Meston Committee remarked that the figures of the increased spending power on which they ultimately acted may be regarded as agreed figures. In what way the figures could be considered agreed it is difficult to say as many provinces protested against them. As the Committee themselves remarked certain

(The Working of the Meston Settlement)

provinces urged that the figures were unduly favourable to the Committee's argument; the great rise in the Income-tax receipts of 1920-21 meant a correspondingly greater loss to local Governments when they ceased to enjoy a share of those receipts. The Meston Committee brushed aside this criticism however on the ground that the same year should be used for all calculations. It may be pointed out that the same year might well have been a later year rather than the one they fixed upon. There is no sanctity about any particular year but the words "normal revenue and normal expenditure" suggest a consideration of all the facts of the kind mentioned by the provincial Governments. The Meston Committee, as far as Bombay was concerned, calculated that the increased spending power under the Reforms would be nearly 93 lakhs. The figures on which this conclusion was based were given in the Appendix to the Committee's Report. Briefly analysed, the statement showed that the provinces got half of land revenue, half of Stamps, half of the receipts from Major and Minor Irrigation Works which were central before, whereas the Imperial Government got half of Income-tax, which was provincial before. The Committee calculated that the gross increase in provincial revenues would be 193 lakhs; as against this the Imperial expenditure transferred to this province would be 100 lakhs. The net increase in the provincial income would therefore amount to nearly 93 lakhs. The Committee proposed that out of this 93 lakhs Bombay should contribute 56 lakhs to the Imperial Government, thus leaving 37 lakhs as the increased spending power after the contribution was paid.

515. In their letter No. J-13 dated 3rd June 1920, the Government of Bombay pointed out that the increased spending power of this province in 1920-21 would not be 93 lakhs as in 1919-20 but only 57 lakhs. In arriving at this figure the Government of Bombay followed the same method as the Meston Committee, but substituted the figures of 1920-21 budget for those of 1919-20 budget. The result was that Bombay's surplus spending power was reduced, after paying 56 lakhs contribution, to one lakh only. The Government of India never dealt with this point in any of their letters. On the contrary, in his despatch of 9th November 1922 the Secretary of State stated that the Settlement laid down as the result of the Financial Relations Committee report had placed at the disposal of local Governments considerable sums which would not have accrued to them under the pre-existing arrangement. It would be worthwhile to examine this statement and find out whether Bombay has really secured any increased spending power under the Meston Settlement over what it would have had under the old Settlement. Two statements have been worked out on the same basis as those on which the statement at the end of the Meston Committee's report was prepared (*vide* statements I and II). The increase in revenue under the Reforms as compared with the pre-Reforms Settlement has been first worked out. After that the decrease in the provincial revenue due to the transfer of Income-tax to

THE STATEMENT
REGARDING BOMBAY'S
INCREASED SPENDING
POWER DISCUSSED.

(The Working of the Meston Settlement)

the Central Government and the stopping of any assignment from Central to Provincial Governments is worked out. For the purpose of the figures of assignment from Central to Provincial the 1919-20 assignment has been assumed as measuring Bombay's loss for the subsequent years. Bombay's loss on account of Income-tax has been worked out on two alternative bases. The first has been to take only half of income-tax in the narrow sense. On the second basis half of income-tax *plus* super-tax has been taken as denoting Bombay's loss.

516. It may be contended that the increase in the rates of Income-tax in the war period was never shared with the provinces and therefore in calculating the half share of Income-tax, the proceeds from this increase in rates should not be considered. In the statement however this contention has not been accepted. In the first place it may be interesting to note that from 1882 to 1912 Bombay always got a half share of Income-tax. When the Government of India raised the rates in the war they did so as a temporary measure in order to meet the excessive demands made by war finance. The Government of Bombay did not claim a half share of the increased rates as they were temporary and meant really for war purposes. They did not desire to embarrass the Government of India in time of war. But it is almost certain that Bombay would have pressed for a true half share of Income-tax including the revenue due to increased rates; and it is also almost certain that Bombay would have got this half share. Similar arguments apply to the case of super-tax which was introduced in 1917. The Super-tax, except in the case of the companies tax, is merely Income-tax on the higher level of incomes and logically if Bombay is to claim a half share of Income-tax there is no reason why it should not claim a half share of Super-tax also. Throughout the subsequent representations made by the Government of Bombay they have all along claimed a half share of Super-tax. There is therefore strong justification for including half of the share of Super-tax in calculating Bombay's loss of revenue. By comparing the increase with the decrease in Bombay's receipts, net increase or decrease of revenue has been worked out. As against this, another statement has been worked out (*vide* Statement II) which gives the increase or decrease in expenditure due to the fact that certain Imperial heads were transferred to the provinces or *vice versa*. One or two points about these statements require explanation. The contribution to the Central Government may be taken as a direct loss of revenue or as an increase on the expenditure side. In the statements it has been included as expenditure. As regards Famine Relief, under the pre Reform Settlement, three-fourths of Bombay's expenditure was met by the Central Government and one-fourth by the Government of Bombay. Three-fourths of Bombay's statutory provision for Famine Relief is therefore really central expenditure passed on to the provincial government. As against this increase in expenditure there is a slight decrease due to the centralising of Income-tax charges, political charges and the abolition

STATEMENTS I AND
II DISCUSSED.

(The Working of the Meston Settlement)

of certain contributions from the Provincial to the Central. By deducting this decrease in expenditure from the increase the figure of net additional expenditure has been arrived at. This net additional expenditure has been compared with the net increase or decrease in revenue and then Bombay's loss or gain under the Meston Settlement as compared with the old Settlement has been worked out. The statement (*vide* Statement III) shows that if only Income-tax is taken, Bombay's loss or gain is as follows:—

				(— loss + gain)
1921-22	..	..	..	.. — 116 lakhs
1922-23	..	..	..	.. — 83 „
1923-24	..	..	..	.. — 36 „
1924-25	..	..	..	.. — 14 „
1925-26	..	..	..	.. + 21 „
1926-27	..	..	..	.. + 4 „
1927-28	..	..	..	.. + 79 „

If Super-tax were taken, Bombay's loss or gain is as follows:—

1921-22	..	..	..	.. — 288 lakhs
1922-23	..	..	..	.. — 237 „
1923-24	..	..	..	.. — 127 „
1924-25	..	..	..	.. — 76 „
1925-26	..	..	..	.. — 22 „
1926-27	..	..	..	.. — 32 „
1927-28	..	..	..	.. + 32 „

517. From these statements it will be seen that even if only Income-tax is taken, in four years out of seven, the Government of Bombay have lost very big sums by the new Settlement as compared with the pre-Reform Settlement. In the four years that the Government of Bombay have lost, their total loss amounts to 249 lakhs, whereas the gain in the three years amounts to 104 lakhs—a net loss of 145 lakhs. If Super-tax is taken, the Government of Bombay lose in six out of the seven years. Their total loss for these six years amounts to 782 lakhs, whereas their gain amounts only to 32 lakhs—a net loss of 750 lakhs. Thus it will be seen that whether only Income-tax is taken or Income-tax *plus* Super-tax in calculating the increased spending power of this province, the statement made by the Secretary of State that greater resources were made available than under the pre-Reform Settlement is unfounded. It may be remarked that the slightly favourable results that the Government of Bombay have had in the last two or three years, are due to the fact that their contribution has been gradually reduced and the statutory provision for Famine assignment has also been substantially reduced. If these two changes had not been made in Bombay's favour, Bombay would have consistently lost under the new Settlement as compared with the pre-Reform Settlement. With a share in super-tax, which it may certainly be assumed that Bombay would have got from

(The Working of the Meston Settlement)

the Government of India in the normal course of events, Bombay's gain under the old Settlement would have been far greater. These statistics show that the increased spending power which according to the Meston Committee, Bombay, should have had, has in fact proved wholly illusory.

518. The Meston Committee in paragraph 7 of their Report remarked that they did not apprehend that the richer provinces, such as Bombay, would be seriously handicapped in the administration of their own finances. They appended some figures which indicated, in their opinion, that several of the provinces, and Bombay in particular, might look for reasonable elasticity in their revenues apart from Income-tax. The Committee attached a table which gave the percentage of growth in the 8 years (1912-13 to Budget 1920-21) under the proposed provincial heads. The growth had been worked out in the following manner:—The revenue collected in 1912-13 was taken as the basis. The figure of the budgeted revenue of 1920-21 was then compared with this basis and the percentage of growth calculated. The Committee computed that the percentage of growth in the 8 years in Bombay was as under :

	Per cent.
Excise	102·57
General Stamps	119·13
Land Revenue and other Provincial heads	32
All Provincial heads	52·43

No further explanation was given of these statistics. The conclusion which was implicitly suggested was that this percentage divided by 8 shewed the average annual increase in these heads of revenue. There was no doubt that the Committee concluded from these figures that Bombay might expect a greater rise in revenue under the three heads. In paragraph 20 of their Report they remarked that the pace of expansion of Bombay's revenue was distinctly higher than in any of the other provinces. The conclusions of the Committee seem to be based on elementary arithmetic and do not stand any critical statistical examination. Normal percentage of growth in revenue cannot be worked out on so simple a basis. When index numbers are prepared for prices or for the cost of living care is taken that abnormal years or any abnormal factors are eliminated. An average of three or five years is taken in order to eliminate the risk of undue bias in one direction or another.

It can be shown very easily that by taking another two years quite a different conclusion can be drawn. If, for example, we were to compare the Land Revenue of 1910-11 and 1920-21 actuals, we would find an actual decrease of 82 lakhs. The figure of 1910-11 is 517 lakhs and of 1920-21 actuals, 435 lakhs. Thus the decrease in Land Revenue, if these two years were taken, would be nearly 16 per cent. The conclusion of the committee appears therefore to be statistically valueless.

(The Working of the Meston Settlement)

519. The Government of Bombay were quite alive to the faults in the Committee's reasoning. In their letter of 3rd June

BOMBAY'S CONTENTION THAT THE PERCENTAGE OF GROWTH ASSUMED BY THE COMMITTEE COULD NOT BE ACCEPTED AS NORMAL.

1920, they pointed out that the figures quoted were specious. Taking the Excise figure, they showed that from 1911-12 to 1916-17, the Excise revenue rose from 203 lakhs roughly to 260½ lakhs or a little more than 11 lakhs a year, which was about 4 per cent. on the starting figure. 1917-18 showed the first results of a drastic increase of taxation on liquor under which all licenses were put up for auction and the real value of the vend fees ascertained by free competition. The system had been in force in the Madras Presidency for years, but upto that time it had not been adopted in this Presidency. The result of this new system was striking. From 260 lakhs the figures rose to nearly 320 lakhs in 1917-18 and 378 lakhs in 1918-19; and the budgeted figure on which the Committee based their percentage of growth was 430 lakhs. Thus in 4 years the revenue had risen by over 65 per cent. or by more than 42 lakhs a year. This Government pointed out that the high prices realised at the annual auction were due in most cases to speculative bidding and therefore with greater experience prices of licenses would come down to a lower level. Assuming however that these extraordinarily high prices continued, it was wholly preposterous to suggest that the future rate of increase of Bombay's Excise revenue could be judged by taking the percentage growth in these 8 years.

As regards Land Revenue and other provincial receipts, this Government pointed out that the latter were of minor importance. As regards Land Revenue proper, it was pointed out that this Presidency was peculiarly liable to famine. In a famine year Land Revenue would be suspended and the receipts would therefore be small. In the year following a famine year, receipts would be abnormally swollen by the collections of a part of the outstanding Land Revenue suspended in the year before. Taking this into consideration, this Government examined the figures as given by the Committee. It was pointed out that the year 1912-13 (the starting point selected by the Committee) was one of acute famine in two important districts. As against this, in the year 1920-21 this Government had budgeted for arrears from the famine years of 1917-18 and 1918-19. It might be remarked that the figure of 417 lakhs was adopted at Simla as the normal Land Revenue. The Government of Bombay therefore pointed out that the normal increase under Land Revenue could be nowhere near 4 per cent. as computed by the Committee but that at best it might be about 2 lakhs a year.

As regards General Stamps, it was pointed out that the figure of 1920-21 was due to the stimulus of war conditions and the consequent general trade boom then existing. The rate of increase which the Committee worked out by comparing the figure of 1912 with 1920 could not therefore be accepted as the normal rate of growth in General Stamps.

(The Working of the Meston Settlement)

520. In most of their representations after this, the Government of Bombay pointed out the inaccuracy of the Meston Committee's calculations as regards the growth of Bombay's revenue. They returned to the charge in a forcible manner in the representation of the Legislative Council to the Government of India in March 1925. A note was appended to the representation showing how completely the contention of the Committee regarding the elasticity of Bombay's revenues had been falsified in fact. It was pointed out that the realisations in the four years of the reformed Government fell short of the calculations of the Committee by over 9 crores. The Government of Bombay again repeated the arguments which have been quoted above and specially emphasised that the selection of two single years as the basis of important conclusions had vitiated the whole argument.

521. We may now examine how far the experience of the eight years since the Meston Committee reported justifies their anticipations as regards the expansion of Bombay's revenues. Three statements are given which show the total receipts under Land Revenue, Excise, and General Stamps. (*Vide* Statements IV, V and VI). The figures for the eight years from 1920-21 are given below; they show how the anticipations of the Meston Committee have gone wrong:—

	Land Revenue	Excise	General Stamps
1920-21 (Budget)	488	430	94
1920-21 (Actual)	341	454	102
1921-22 "	498	343	84
1922-23 "	465	423	80
1923-24 "	415	435	76
1924-25 "	422	443	83
1925-26 "	445	395	82
1926-27 "	370	397	68
1927-28 (Revised)	449	374	74
1928-29 (Budget)	441	380	70

These figures give the actual facts of the last 8 years. The three heads of revenue may be considered separately.

522. As regards Land Revenue, the figure is net Land Revenue, i.e., assessment of alienated lands has been deducted from the gross Land Revenue as was done by the Meston Committee in their calculations. The Meston Committee took the budget figure of 1920-21 which was 488. This was as was pointed out in the Bombay Government's letter above referred to, an abnormal figure. It included arrears of revenue of the last two or three famine years. Yet the Committee took that figure as Bombay's normal Land Revenue and calculated Bombay's normal increase in Land Revenue to be 4 per cent. per annum. According to this Bombay's figure in 1927-28 ought to be 605 lakhs (60 per cent. above 378) whereas the revised figure in 1927-28 is only 449—a difference of nearly 156 lakhs. A glance at the figures of Land Revenue for the last

(The Working of the Meston Settlement)

eight years shows that this is a very fluctuating item and that it certainly does not show any tendency to increase in a pronounced and measurable manner. The revenue was 498 lakhs in 1921-22. Since then it has gone down consistently. For the next year (1928-29) the Government of Bombay have budgeted for 441. This year's revised figure is 449. These figures do not justify the optimistic anticipations of the Meston Committee as regards Land Revenue.

523. As regards Excise the Meston Committee took a figure of 430 lakhs as the budget estimate of 1920-21. The actual for that year came to 455 lakhs; but this included 40 lakhs of revenue under Vend-fees which were really for 1921-22 but were collected in advance. As the Government of Bombay pointed out in their letters to the Government of India this figure is the highest ever reached. As had been pointed out before, the enormous increase in revenue in the 8 years (1912 to 1920) was due to the introduction of the system of auction. According to the Meston Committee's anticipations, Excise revenue ought to have grown at the rate of about 13 per cent. per annum. At that rate it should have increased in 1927-28 by nearly 91 per cent. whereas the actual facts are that the revenue since then has been gradually falling below the level of 1920-21. Owing to certain account changes it has been necessary to correct the totals of the years following 1925-26, in order to make them comparable with the figures of previous years. In previous years only the gain from the sale proceeds of opium was treated as revenue. From 1925-26 the cost price of excise opium was recorded both on the revenue and expenditure sides. Unless this figure is deducted, we cannot get a comparable figure. From the statement it can be seen that the Excise revenue in 1923-24 and the year following was nearly equal to the figure of 1920-21. Since then it has been consistently going down and the revised figure for 1927-28 is 374 lakhs—a decrease from the Meston Committee's basis of 430 lakhs by something like 56 lakhs. There is thus the most interesting result that instead of realising an additional revenue of nearly 193 lakhs (91·1 per cent. over 212) the Government of Bombay are realising 56 lakhs less than even the base of 430.

524. As regards General Stamps, the figures which have been cited in the statement are figures of such revenue as is comparable with the figures of 1920 and 1921. Since 1922 additional taxation has been levied in this Presidency under this head. The increase due to this additional taxation has been computed and deducted from the total stamp revenue of the years since 1922-23. The net figure is thus arrived at. The Meston Committee took 94 lakhs as the budget estimate for 1920-21 under General Stamps. The actual realisation in that year was 102 lakhs. Comparing the figure of 1912-13 with that of 1920-21, the Meston Committee computed that the increase in Stamps should be at the rate of about 15 per cent. per annum. The facts have entirely disproved the conclusions of the Meston Committee. The revenue under this

FIGURES OF EXCISE
REVENUE.

FIGURES OF REVENUE
FROM STAMPS.

(The Working of the Meston Settlement)

head since 1920-21 has been consistently going down even in spite of the additional taxation imposed. The total revenue, apart from the net revenue, has declined from 102 lakhs in 1920-21 to 88 lakhs in 1926-27 and 94 lakhs in 1927-28. If we exclude the increase due to additional taxation from these figures, the results are still more disappointing. The revenue has declined from 102 lakhs in 1920-21 to 68 lakhs in 1926-27 and 74 lakhs in 1927-28. Thus instead of getting an additional revenue of 41 lakhs, as expected, under a 15 per cent. normal rate of increase, the Government of Bombay have lost nearly 28 lakhs.

525. The above survey shows how astoundingly inaccurate conclusions of the Meston Committee as to the expanding nature of Bombay's revenues have proved to be. The Meston Committee remarked that they did not apprehend that the richer provinces such as Bombay would be seriously handicapped in the administration of their own finances. This conclusion was based on two premises which they assumed as proved. They argued that the new settlement gave additional spending power to the provinces and treated all of them better than the pre-reform settlement and assumed that the provincial revenues especially in Bombay would increase at a rapid rate in the future. It has been shown above how utterly erroneous the conclusions of the Committee were on both these points. From this it would follow that their conclusion that Bombay would not be handicapped in its administration must prove baseless. The history of the last seven years has shown it to be so. The period since the Reforms has been one of great financial stringency in this province; and the Government of Bombay have been seriously handicapped in their administration. Except in a few departments they have been only marking time. Under the present financial settlement they have before them nothing but a period of stagnation. Under the old Settlement of 1911 they were infinitely better off. The period between 1911 and 1921 had been one of consistent progress all along the line. Nothing brings out the inequitable nature of the present settlement so well as a comparison of Bombay's expenditure figures between 1910 to 1920 and 1921 to the present. A statement is appended showing expenditure under the various important heads of administration during the period 1910 to the present. (*Vide* Statement VII and Appendix A.)

526. Some broad conclusions that can be drawn from this statement may be briefly discussed. A glance at the figures of the total expenditure since 1921-22 will show that the expenditure figure of 1921-22 has only been reached in the 1928-29 budget. This is a general tendency: expenditure on all items increased as soon as the Reforms were

THE RESTRICTIVE
INFLUENCE OF THE
MESTON SETTLEMENT
ON THE ADMINISTRATION
OF THE BOMBAY
PRESIDENCY.

EFFECT OF THE
SETTLEMENT ON THE
ADMINISTRATION.

(The Working of the Meston Settlement)

introduced. The expenditure under most items in 1921-22 is the highest in the post-reform period. It was however immediately realised that resources under the Meston Settlement would be insufficient for the demands made by the Reforms on them; and this led to a policy of very drastic retrenchment of which the 60 lakhs cut in 1922 is an illustration. The drastic retrenchments carried out in that year and the following could not however be permanently maintained without impairing the efficiency of the administration.

From 1923 therefore expenditure was allowed to increase slightly. There is another factor which has to be taken into consideration also. The Legislative Council has all along been clamouring for a progressive policy in the nation-building departments, and if even a modicum of success was to attend the Reforms, it was most desirable that some expansion should be allowed in the nation-building departments especially in Education and Medical. At every budget discussion the Council reiterates its charge that the nation-building departments are being starved. The additional expenditure under these items has been made possible by the Councils agreeing to the measures of additional taxation. A sum of nearly 50 to 60 lakhs has been estimated to be due to new taxation; but this will be discussed later. Whenever these new taxation measures were introduced in the Council, Government was compelled to win support for the measures by agreeing to use as far as possible the proceeds of such taxation for the nation-building departments. Bombay had thus to tax itself to attain any expansion that it desired in the nation-building departments. Apart from these new taxation measures, a certain amount of progress was made possible in the last two or three years—firstly, by a gradual remission of the contribution, and secondly, by a reduction in the statutory obligation for provision on Famine Relief. In the 1928-29 budget these measures are responsible for a total addition to the revenues of nearly 105 lakhs. That added to the 65 lakhs of new taxation, in all about 170 lakhs, measures our increase in expenditure since 1922-23. 1921-22 was a deficit year. In 1922-23 our total expenditure was Rs. 12,55 lakhs. In 1928-29 the total expenditure budgeted for is 14,33 lakhs—an increase of nearly 178 lakhs. This survey of total expenditure gives a bird's-eye-view of the whole position. The detailed figures of the growth of expenditure since 1910-11 are discussed in Appendix A. The detailed review there given shows very clearly how Bombay's administration has been in most cases not only not progressing but either remaining stagnant or actually retrogressing. The same conclusion may be arrived at by a different line of approach. We may briefly examine how the financial stringency resulting from the Meston Settlement has had a restrictive influence on the policy of the administration. A few examples will be taken to show how the Bombay Government have been cutting down all expenditure required for proper expansion and in some cases even going back on their past undertakings.

(The Working of the Meston Settlement)

527. Government have incurred commitments on account of primary education under the Bombay Primary Education Act. It has been necessary to issue a press-note pointing out the present straitened condition of the finances of this Presidency and Government's consequent inability to provide additional funds for schemes of expansion of Primary Education for some years to come, unless the legislature provided funds by fresh taxation. Government considered it desirable to apprise local authorities of the present financial position of the Presidency in order that any possible misunderstanding and disappointment on their part on account of the withholding of Government's sanction to the schemes of expansion submitted to them might be avoided. In other words Government expressed their inability to meet expenditure under the Primary Education Act, unless their financial condition improved.

A similar restrictive policy has been followed as regards building grants to schools and colleges. Under Rule 52 of the Grant-in-aid Code, a building grant may be made not exceeding one-fourth of the total expenditure in the case of secondary schools and one-half in the case of primary and technical schools. The procedure briefly is that the Director of Public Instruction sanctions building grants up to a certain limit. After this sanction has been obtained, the school or college authorities prepare plans and estimates, get them duly approved by the Public Works Department, and when the building is completed a claim for the Government's grant as already sanctioned by the Director of Public Instruction, is put up. It is for Government then to make provision in the budget for the payment of such a claim. For 1928-29 the outstanding claims for building grants sanctioned by the Director of Public Instruction amount to about Rs. 3 lakhs. Government have however been able to provide only Rs. 20,000 out of this. Some of these claims are three and four years old and yet Government have not been able to find the money for these payments though they have morally incurred a responsibility for them. For the same reason, no additions have been made to the provision for grants-in-aid to non-Government educational institutions, though the demands under the Grant-in-aid Code for such additions come to Rs. 1,13,000 in the case of colleges, and 2 lakhs in the case of secondary schools.

Many items for increase in Medical facilities have been turned down for want of funds. Most of these items were considered to be very urgent by the Surgeon-General and administrative approval had been given to all of them. Some of them have been refused year after year. (*Vide Statement VIII.*)

The policy of Government in regard to grants-in-aid to municipalities for undertaking schemes of water supply and drainage has been that 50 per cent of the estimated cost of the undertaking should be contributed by Government. In view of the fact that many municipalities, especially

POLICY IN EDUCATION.

POLICY AS REGARDS MEDICAL.

POLICY AS REGARDS PUBLIC HEALTH.

(The Working of the Meston Settlement)

major municipalities, such as Karachi, Ahmedabad, Surat and Poona have been putting forward big schemes costing many lakhs of rupees, it has been found necessary to reconsider this policy of grants-in-aid in view of the financial stringency and to substitute instead facilities for long-term loans. The question is still under the consideration of Government but in the meanwhile in June 1923 on the recommendations of the Sanitary Board a Government resolution was issued to the effect that where a local body found all the money for a sanitary scheme except the charges for establishment, tools and plant, Government would be prepared to make a grant-in-aid to that body of a sum equivalent to the charges of 24 per cent of the total cost on account of establishment, tools and plant. Such schemes would be given preference over all those grants-in-aid schemes to which Government contributed 50 per cent of the cost. This means that Government desire in this time of financial stringency to reduce their commitments on account of grants-in-aid under this head.

Though the policy of giving grants-in-aid of 50 per cent of the cost of such works has not been actually revised, it has really been almost suspended. The benefit of the policy is given only to very poor municipalities which cannot undertake the works without such help and even in such cases care is taken to ensure that the liability of Government does not amount to anything considerable. With such exceptions only, all the grants so far paid since 1923 have been only in the form of the Government Resolution of 1923 referred to above, *viz.*, a 24 per cent grant that would cover the cost of establishment, tools and plant. Even this grant is given only to those municipalities which have the works carried out by the agency of the Public Works Department. Applications from many municipalities for a grant-in-aid of 50 per cent of the cost have been turned down and since 1925 no application has been granted except in cases where Government had previously made a promise or where the municipality was very poor. (See Statement IX.)

The Public Works Department selects from the list of works administratively approved a few items to be provided for in the budget according to the relative urgency of the proposals. These works are provisionally admitted by the Finance Department and they are scrutinised at the budget meetings where they take their chance as new items. Government usually have a rationed figure of expenditure for each department and each department has to find funds for the new items within its rationed figure. The roads and buildings branch of the Public Works Department thus get a rationed figure and only those works which can be provided for within the rationed figure limit are included in the budget; all the rest are held over.

Under "Buildings" of all departments, 38 new items were provisionally admitted by the Finance Department in the budget of 1928-29. All these works had been administratively approved and were

(The Working of the Meston Settlement)

considered to be urgent. But only three new items could be included in the budget for 1928-29. The proposed provision for new buildings was Rs. 15,63,000, but the amount actually provided was only Rs. 96,000. Many of the items omitted were urgently required, and the holding up meant a real hardship.

In 1927-28, 68 new items were proposed under "Buildings", but only 8 were included in the budget.

In 1926-27, 81 new items were provisionally admitted by the Finance Department but only 2 were included in the budget.

As regards "Communications" the same tale has to be told. In 1928-29, 64 new items were proposed to be provided as urgent, but only one was included. The total provision proposed was Rs. 16 lakhs but the amount entered in the budget for the one item is Rs. 25,000 only.

In 1927-28, 70 new items under "Communications" were provisionally admitted by the Finance Department as urgent, but only 4 were included in the budget.

In 1926-27, 60 new items under "Communications" were provisionally admitted, but only 3 were included in the budget.

528. The effect of the financial stringency can also be shown by reviewing briefly the treatment of new items (other than Civil Works) in the budgets of 1927-28 and 1928-29. In 1927-28 the allotments for new items provisionally admitted by the Finance Department were :—

Recurring	..	..	Rs. 7·3 lakhs.
Non-Recurring	..	..	„ 15·7 „
Total			Rs. 23 lakhs.

Out of the 244 items provisionally admitted, only 102 were finally included in the budget. The sums included in the budget were :—

Recurring	..	..	Rs. 3·2 lakhs.
Non-Recurring	..	..	„ 8·8 „
Total			Rs. 12 lakhs.

i.e., Rs. 11 lakhs were cut out.

In the budget of 1928-29, out of the 210 items proposed, only 68 were admitted. The charges proposed were :—

Recurring	..	..	Rs. 6·3 lakhs.
Non-Recurring	..	..	„ 10·5 „
Total			Rs. 16·8 lakhs.

(The Working of the Meston Settlement)

Out of these sums proposed, only the following were admitted :—

Recurring	Rs. 2·4 lakhs.
Non-Recurring	„ 3·4 „

Total .. Rs. 5·8 lakhs.

It may be added further that even these items are to be met from the rationed grants of the Departments concerned.

529. It has been shown above how Bombay has been handicapped in its administration by the Meston Settlement. In the following paragraphs an attempt will be made to compare the expenditure of Bombay with that of the three agricultural provinces of Madras, the United Provinces and the Punjab which were specially benefited by the Meston Settlement. It may be admitted at the start that absolute accuracy in the expenditure statistics of the other provinces cannot be guaranteed ; but it may be safely asserted that the margin of error, if any, would be insignificant and would not in any way affect the general trend of arguments or the broad conclusions reached.

Statements have been prepared for each province giving the figures of expenditure on nation-building Departments, other Departments, and the total provincial expenditure (*vide* Statements X to XIV). As regards the nation-building Departments the figures include the working expenses of Irrigation which are deducted in the accounts under “ XIII—Irrigation.” Unless this be done a true idea of expenditure on Irrigation cannot be obtained. The figures of working expenses, however, have been excluded from the total provincial expenditure in order to conform to the account figure of total expenditure. As regards total expenditure on other Departments, the figure of contributions has been omitted as that is really a deduction from revenue and not expenditure. With that proviso, the figures may be briefly discussed. Expenditure on other Departments as well as total provincial expenditure before 1921 is not given as there were no provincial budgets and there were a number of adjustments between the Central and Provincial, which cannot be properly traced for want of adequate information. As regards the nation-building Departments, the total is merely the total of all the heads given and therefore it was possible to work out the expenditure figure under nation-building Departments from 1910-11.

530. The total expenditure on nation-building Departments in Bombay increased from 248 lakhs in 1910-11 to 575 lakhs in 1920-21 : an increase of 327 lakhs. From that year to 1927-28 the figure of expenditure on these Departments increased to 609 lakhs—an increase of 34 lakhs. In Madras the expenditure on nation building Departments in 1910-11 was 243 lakhs. It went up to 446 lakhs in 1920—an increase of 203 lakhs. In 1927-28 it had risen to

COMPARATIVE
FIGURES OF EXPEN-
DITURE ON NATION
BUILDING DEPART-
MENTS.

(The Working of the Meston Settlement)

702 lakhs—an increase of 256 lakhs. In the United Provinces the expenditure on nation-building Departments was 213 lakhs in 1910-11 ; in 1920 it was 383 lakhs—an increase of 170 lakhs. By 1927 the expenditure had increased to 486 lakhs or an increase of 103 lakhs. In the Punjab the expenditure on nation building Departments in 1910-11 was 225 lakhs ; in 1920 it was 476 lakhs or an increase of 251 lakhs. By 1927-28 the expenditure was 958 lakhs or an increase of 482 lakhs.

531. From these figures it will be seen that the least increase in the expenditure on nation building Departments since the introduction of the Reforms has taken place in Bombay. The figures require to be corrected to some extent because the figures under Civil Works were swelled in Bombay in 1919 to 1921 by the utilization of balances to make up for works postponed during the war. Other provinces followed the same course but possibly not to the same extent as Bombay. Even after taking this factor into consideration the progress in Bombay compares very unfavourably with the three provinces quoted. It may be remarked that the great increase in the Punjab's figure is due to the fact that expenditure on Irrigation which is productive has increased from 221 to 471—an increase of nearly 250 lakhs. The increase in other nation building Departments in the Punjab accounts therefore for the remaining 232 lakhs.

532. As regards other Departments, Madras shows considerable increase whereas in the other three provinces the expenditure has been more or less constant. The total expenditure on other Departments in Bombay was 833 lakhs in 1921-22. By 1927 it had risen to 866 or an increase of 33 lakhs. In Madras the expenditure on other Departments in 1921 was 799 lakhs. By 1927 it had risen to 914 lakhs or an increase of 115 lakhs. In the United Provinces the expenditure on other Departments shows an actual decrease from 751 to 713 lakhs. The United Provinces' case however is peculiar inasmuch as the first three or four years of Reforms in the United Provinces were years of heavy deficit. The figure of 1921 therefore was more than was warranted by the revenues assigned to the United Provinces. That Government therefore had to cut down its expenditure on these Departments and by 1924-25 the figure had been cut down from 751 lakhs to 647 lakhs. From the year following they began getting remission of their contribution and their expenditure increased from 647 to 713 lakhs in 1927-28 and may be expected to increase more with the complete remission of contribution in 1928-29. As regards the Punjab the expenditure on other Departments has gone down from 498 to 467 lakhs. The decrease is 31 lakhs.

Expenditure on nation-building Departments of all the three agricultural provinces has increased enormously more than that of Bombay. As pointed out above, even the advance Bombay has made

(The Working of the Meston Settlement)

has been due to the new taxation levied since the Reforms. It can therefore be safely concluded that the Meston Settlement has starved the nation-building Departments in this Province whereas it has definitely helped the development of these Departments in some other provinces.

533. It has been remarked above that Bombay imposed additional taxation in order to increase its available resources. The additional taxation has been realised by two methods. The first has been to increase the rates of already existing taxes and the second to impose new taxes not levied before. The following new taxes have been levied in Bombay :—

- (1) Cotton Cess in 1920.
- (2) Entertainments Tax in 1922-23.
- (3) Betting Tax in 1925-26.

The rates of the already existing taxes have been raised as follows :—

- (1) Stamp Act in 1922 (for 4 years).
 - Do. in 1926 (for 1 year).
 - Do. in 1927 (for 1 year).
 - Do. in 1928 (for 1 year).
- (2) Court Fees Acts in 1922 (for 2 years).
 - Do. in 1926 (for 1 year).
 - Do. in 1927 (for 1 year).
 - Do. in 1928 (for 1 year).
- (3) Transfer of Property tax in 1926 (Permanent measure).

534. A statement is given which shows the revenue from additional taxation (*vide* Statement XV). As regards new taxes it is easy to calculate the additional revenue derived from them. The figures of actual collections are given in the statement in this case. As regards the increase in rates of old taxes it is difficult to calculate accurately the revenue due to this. In these three cases therefore estimated figures are given. As regards the Transfer of Property Tax the estimate has been made by the Registrar General and can be taken as fairly accurate. As regards the Stamp Act and the Court Fees Act the estimates are those made by the Finance Department with a view to cut down the Budget estimates if the Acts were not passed. The estimates may be taken as fairly reliable under the circumstances.

From the statement it will be seen that in 1921-22 Bombay's total additional taxation was Rs. 20 lakhs. In the four years after that it was between Rs. 40 to 50 lakhs. In 1926-27 it was estimated at Rs. 60 lakhs. For 1927-28 and 1928-29 it has been estimated at Rs. 65 lakhs.

In calculating these figures for additional revenue no reference has been made to new land revenue settlements. A certain amount of

(The Working of the Meston Settlement)

revenue has been due to this but the Government of India may contend that these new settlements were contemplated in calculating the growth of revenue and are not really additional taxation. In any case they may consider it as the normal increase in land revenue. As regards Excise the rates of taxation have been increased but the purpose of this has been to discourage consumption and not to get additional revenue. It has been having exactly that effect and no additional revenue can therefore be attributed to the increase in rates of Excise duties.

535. The Meston Committee have remarked that Bombay has attained a scale of expenditure far above the Indian average. **THE HIGH EXPENDITURE IN BOMBAY.** No explanation is given as to what exactly they mean by this remark. Does it mean that Bombay is spending more for the same services as in other provinces or that Bombay's services have attained a standard far in advance of other provinces? The former may be due to extravagance or to other less reprehensible causes. The latter would mean that Bombay has ample and comparatively more liberal resources than the other provinces. Evidently judging from the general trend of the reasoning of the Committee, it appears that they incline to the latter meaning. The reasons however on which this view of theirs is based are nowhere stated. It may be doubted whether sufficient evidence exists to prove that Bombay's standard of services is so much higher than that of other provinces. Yet many writers on the subject without scientifically examining the available statistics have been inclined to this view. Professor Gyan Chand in Chapter V of his book, the "Financial System of India," has given expression to similar views. And yet in most of such reasonings the conclusion is based on per capita figures, a procedure which is likely to be quite fallacious. The high per capita figure of expenditure may be explained in various ways: one of them being that the supply of services is of a higher standard. The causes which explain the high per capita expenditure in Bombay are discussed briefly in the following paragraphs.

536. Two statements are prepared showing the expenditure per head of population and expenditure per 100 square miles of area, *vide* Statements XVI and XVII. As regards expenditure per capita Burma comes first with an expenditure of Rs. 9·2. Bombay comes second with Rs. 7·3 per head, closely followed by Punjab with Rs. 6 per head. Central Provinces and Berar spend Rs. 4·2 per head; Madras and Assam Rs. 3·7 per head; United Provinces Rs. 2·5 and Bengal Rs. 2·4 per head; Bihar and Orissa comes last with Rs. 1·8 per head. As regards expenditure per 100 square miles of area, Bengal leads with a figure of Rs. 14·38 per 100 square miles; Punjab comes second with Rs. 12·52; Bombay, Madras and the United Provinces have each nearly Rs. 11 per 100 square miles, Bihar and Orissa has Rs. 7·2, Central Provinces and Berar Rs. 5·9, Assam Rs. 5·28 and Burma Rs. 5·17. From this it may be seen that

**COMPARATIVE
FIGURES OF EXPENDI-
TURE PER HEAD OF
POPULATION AND PER
100 SQUARE MILES OF
AREA.**

(The Working of the Meston Settlement)

the province which heads the expenditure per head comes last as regards expenditure per 100 square miles ; whereas the province which is nearly at the bottom as regards expenditure per head leads as regards expenditure per 100 square miles. This fact by itself suggests one important cause for the high per capita expenditure of Bombay. It would be seen that taxation per capita generally varies with the density of population. The density of population in Bombay is much less than in other provinces, and therefore the per capita expenditure is bound to be higher in Bombay than in most of the provinces. The unit of administration has to be determined not merely by reference to population but also to area. In fact in most cases, area plays a far more important part than population. If the population is sparsely distributed over the whole area, it follows that the administration is bound to be more costly. A school, a dispensary or a police station can serve only a limited area, and the larger the area served the less its utility. In Bombay because of these reasons, Government have to supply more schools, dispensaries, police stations, etc., per head of population than are required in the more thickly populated provinces like Bengal, Madras or the United Provinces. Over this natural factor we have no control. Unless Bombay is prepared to sacrifice efficiency and usefulness of the services, it must employ more officers of all grades per unit of population than other provinces. This fact by itself alone explains to a great extent why the cost of administration in Bombay is higher than in other provinces.

537. Apart from this natural drawback, the other factors which increase the cost of administration in Bombay may be briefly discussed. It is alleged that Bombay pays its officers more than other provinces and this extravagance is responsible for the high cost of administration in Bombay. It would be useful to see how far this statement is true. A rough statement comparing the pay of the various services other than Imperial in Bombay, Madras and Bengal was prepared two years ago (*vide* Statement XVIII). The pay of Imperial Service officers is identical in all the provinces. In Bombay however compensatory local allowances have to be given in certain urban centres. As regards Provincial Service officers it will be seen from that statement that Bombay's scales of pay are in no way higher than those in Bengal or Madras. In fact in most cases they are identical. Here again for people working in certain urban centres, compensatory allowances have to be given. It is only in the case of subordinate services and menials that Bombay's standards of pay are higher than in other provinces. It may be remarked that Bombay's mofussil scale compares not unfavourably with that in either Bengal or Madras. It is only as regards the pay of the subordinates and menials in urban centres that Bombay shows a higher scale. The high pay to these services is inevitable as it includes an element of compensatory allowance. The cost of living in these centres is higher than in similar places in other provinces. Bombay is far more urbanised and industrialised than either Bengal or Madras. This Province has more than six or seven big cities including two of the most important

OTHER FACTORS IN
INCREASE OF THE
COST OF ADMINISTRA-
TION IN BOMBAY.

(The Famine Insurance Fund)

ports of India and two or three of the most important textile centres. Most of the important Government offices are situated either in Bombay city, Poona, Ahmedabad or Karachi or such highly urbanised centres. From this it can be seen that the salaries received by the subordinates and menials undoubtedly contain an element of compensatory allowance for the high cost of living. The presence of industries in this Province is bound to lead to a higher cost of living than elsewhere. A high cost of living means high wages. The presence of industries combined with a small population accentuates the situation. The possibility of alternative employments makes Government service less attractive and Government has therefore to base the salaries paid to Government servants on those paid for similar work in industrial and business concerns. The presence of alternative employment and higher urbanisation leading to greater cost to Government on salaries, allowances, etc., is a common phenomenon in the world. Salaries of Government servants in England are higher than in France, and higher in the United States of America than in England. These various causes explain to a great extent the high cost of administration in Bombay. We have no control over either the natural disadvantage of sparseness of population or over the economic factor of urbanisation and industrialisation. Apart from these causes it may be that Bombay has reached a slightly higher standard of administration than in other provinces. But the Meston Committee have given no statistics nor any other proof in support of their statement. Even if it be true that Bombay's standard of administration is higher, it is made possible by the fact that Bombay is taxed much more than other provinces. If the people of this Presidency submit to higher taxation they have the right to demand larger and better service from the Government. That Bombay's taxation, per capita at least, is higher than most provinces is shown in Appendix B.

THE FAMINE INSURANCE FUND

538. Prior to the year 1878-79 there was no regular provision in the Indian budget for famine expenditure. In that year it was recognised that as famine was an ordinary incidence of Indian administration, the expenditure for the relief of famine-stricken people should be provided for from current revenues; and it was decided to increase the annual revenues by 150 lakhs and assign the amount for "Famine Relief". The relief of famine was the first charge on the assignment and any amount left over was first to be used for the construction of protective works and then for the reduction or avoidance of debt. Up to 1907-08 the expenditure on famine relief was a provincial charge until the provincial resources were exhausted when the burden was shifted to the central revenues. In that year famine relief was made a central liability and it was decided to call upon provincial resources when the expenditure was heavy. For this purpose an assignment of 37½ lakhs was made in favour of the provinces liable to famine and distributed among them

ARRANGEMENT
PRIOR TO THE
REFORMS.

(The Famine Insurance Fund)

in proportion to their comparative need. In 1917-18 this arrangement was discontinued and the liability for famine relief was divided between the central and provincial Governments, three quarters being central and one quarter provincial. This was the position up to the time of the Reforms.

539. Under the Reforms "Famine Relief" was made a provincial subject (*vide* Devolution Rules, Schedule I, Part II, entry 9). Devolution Rule 29 and Schedule IV to the PROVISION FOR "FAMINE RELIEF" UNDER THE REFORMS. Devolution Rules define the scheme for the Famine Insurance Fund. Devolution Rule 29 states that each local Government mentioned in Schedule IV shall establish and maintain out of provincial revenues a Famine Insurance Fund in accordance with the provisions of that schedule, and such fund shall be controlled and administered as required by those provisions. The Government of Bombay are required under the schedule to provide every year an assignment of Rs. 63,60,000 "for expenditure upon relief of and insurance against famines." Rule 2 of the schedule provides that the annual assignment shall not be expended save upon the relief of famine or the construction of protective irrigation works or other works for the prevention of famine. It was estimated by the Government of India that Bombay's average annual expenditure on "Famine Relief" for the 20 years ending with 1915-16 was Rs. 35,50,000. Its expenditure on protective irrigation as estimated on a 10 years' average ending with 1915-16 was Rs. 28,10,000. The total of these two sums, Rs. 63,60,000, was, therefore, fixed by the Government of India as the annual assignment towards the Famine Insurance Fund in Bombay. It will be seen from the table given in Schedule IV to the Devolution Rules that Bombay's assignment is higher than that of any other province. Only that portion of the annual assignment which is expected to be actually expended in that year is required to be put to the vote of the Council. The balance is provided in the shape of a lump sum and is transferred to the Famine Insurance Fund at the end of the year and is considered as a non-voted charge. The unspent balance thus goes to increase the Famine Insurance Fund which forms part of the general balances and is allowed to earn interest by the Government of India. Under the rules the local Government is allowed to expend at any time the balance at its credit in the Famine Insurance Fund for any of the purposes allowed by rules, *i.e.*, famine relief or protective irrigation. The use of the balances is allowed also for the grant of loans to cultivators either under the Agriculturists' Loans Act of 1884 or for relief purposes. When such loans have been granted, payment of interest on loans and repayment of principal are to be credited to the fund when they occur, and irrecoverable loans written off are to form a final charge against the fund. Lastly, it was ruled that in any year when the accumulated total of the Famine Insurance Fund of the provinces is not less than six times the amount of the annual assignment, the local Government may suspend temporarily the provision of the annual assignment. This was the constitution of the Famine Insurance Fund up to 1927.

(The Famine Insurance Fund)

540. The experience of the four or five years after the Reforms had made clear to the Government of Bombay that the figure of 63,60,000 for the annual assignment on Famine Relief and Insurance fixed in Schedule IV to the Devolution Rules was too high. The accumulation in the Famine Insurance Fund of the unspent balance was growing rapidly. The Famine Insurance Fund at the end of 1926-27 amounted approximately to 2½ crores. The Government of Bombay therefore felt that they should approach the Government of India and ask for reduction in the annual assignment on Famine Insurance Fund. The Public Accounts Committee at their meeting in August 1926 stated that in their opinion the annual assignment of Rs. 63,60,000 for Famine Relief and Insurance was unduly large, and they therefore recommended to Government that the advisability of moving the Government of India to reduce the amount of the annual assignment should be considered. This the Government of Bombay did in their letter No. 5181 of 4th December 1926, wherein they suggested to the Government of India that the annual assignment should be reduced by 30 lakhs to Rs. 33,60,000. This was sanctioned by the Government of India and the Secretary of State in February 1927, subject to reconsideration if the balance fell below Rs. 1,50 lakhs, and pending disposal of the general question affecting all the provinces which was under the consideration of the Government of India.

In July 1927 there were unprecedented floods in certain parts of Gujarat and Sind. In order to alleviate the sufferings of the people in the affected areas, Government decided to spend about Rs. 10 lakhs for free relief and Rs. 80 lakhs as advances to cultivators on favourable terms. This sum was to be met entirely from the Famine Insurance Fund.

In September 1927 the Government of India addressed the provincial Governments about the proposed modifications of Schedule IV to the Devolution Rules. They suggested that the insurance against expenditure on famine might be confined to Famine Relief proper and that the other objects to which the present fund could be devoted should be met by provision in the ordinary way from general revenues or by recourse to the Provincial Loans Funds. In the opinion of the Government of India, it was a weak point in the present rules that no province was required to maintain a minimum balance to meet deadweight expenditure on famine relief. They proposed for Bombay an annual contribution of Rs. 10 lakhs and a minimum balance in the Fund of Rs. 65 lakhs. The proposals made by the Government of India were discussed at the Conference of Financial Representatives held at Delhi in November 1927. The conference modified the proposals made by the Government of India, and the recommendations of the conference have been accepted by this Government. The Government of India have already approached the Secretary of State for sanction to the modified proposals so as to ensure their introduction in the budget of 1928-29. According to the latest proposals the annual assignment to be provided by the Bombay Government has been fixed at Rs. 12 lakhs. When the accumulated

(The Famine Insurance Fund)

total of the Famine Relief Fund of this province is 75 lakhs, the annual assignment may be temporarily suspended. The annual assignment under the new rules cannot be expended save for the relief of famine. Any unspent portion is to be transferred to the Famine Relief Fund. It is stated that when the balance in the Famine Relief Fund exceeds the amount specified (75 lakhs in the case of Bombay), the local Government may utilise the excess to meet expenditure on protective irrigation works or for the grant of loans to cultivators, either under the Land Improvement Loans Act of 1884 or for relief purposes. The balance may also be spent in the repayment of advances drawn from the Provincial Loan Fund, or to meet irrecoverable balances of loans under the above Acts, or for relief purposes when such loans have been made from the Provincial Loan Account. It has been proposed that advances to cultivators may be made either directly from the Fund or indirectly from the Provincial Loan Account; in the latter case the Provincial Loan Account will have to repay to the fund in instalments the sums advanced with interest. The rules about interest on the fund and treatment in the budget, etc., are the same as in the old Schedule IV.

It will be seen from the brief history of the subject given above that the present position as regards the Famine Insurance Fund in this presidency is quite sound.

(Statement I)

STATEMENT I

Increase in Revenue under the Reforms Settlement.

(Figures in Lakhs of Rupees)

	1921-22	1922-23	1923-24	1924-25	1925-26	1926-27	1927-28
Increase—							
Land Revenue ..	226.6	232.3	207.4	210.9	222.4	185.2	224.3
Stamps ..	82.2	88.3	89.9	89.0	88.2	83.8	87.1
Irrigation ..	17.8	26.6	27.0	26.6	21.1	24.6	26.8
	326.6	347.2	324.3	326.5	331.7	293.6	338.2
Decrease—							
(i) Income-tax ..	240.5	240.0	176.5	140.5	132.0	124.0	130.5
(ii) Recurring assignments for—							
(1) Education ..	21.4	21.4	21.4	21.4	21.4	21.4	21.4
(2) Sanitation ..	6.2	6.2	6.2	6.2	6.2	6.2	6.2
(3) Police ..	3.2	3.2	3.2	3.2	3.2	3.2	3.2
Total ..	271.3	270.8	207.3	171.3	162.8	154.8	161.3
Net increase in Revenue ..	55.3	76.4	117.0	155.2	168.9	138.8	176.9
(iii) Share of Super-tax ..	172.3	153.8	90.7	61.6	43.1	36.3	47.4
Net Increase (+) or decrease (−) in Revenue ..	−117.0	−77.4	+26.3	+93.6	+125.8	+102.5	+129.5

(Statement II)

STATEMENT II

Increase in expenditure under the Reforms Settlement

	1921-22	1922-23	1923-24	1924-25	1925-26	1926-27	1927-28
<i>Increase—</i>							
Assignments under Land Revenue ..	7·3	7·2	7·3	7·4	7·2	7·4	7·3
Stamp charges ..	1·8	1·8	2·5	1·8	0·9	0·9	0·7
Leave allowances in England ..	12·5	12·5	10·2	12·1	14·5	12·4	13·6
Famine Relief ..	47·7	47·7	47·7	47·7	47·7	47·7	25·2
Irrigation ..	62·8	51·1	45·4	59·6	57·8	51·4	63·8
Superannuation allowance, etc., in England ..	1·2	2·0	4·3	5·8	7·5	9·8	9·4
Contribution to Central Government ..	56·0	56·0	56·0	56·0	34·0	28·0	..
Total ..	189·3	178·3	173·4	189·9	169·6	157·1	120·0
<i>Decrease—</i>							
Income Tax charges ..	3·8	4·2	4·9	5·8	6·5	7·5	8·4
Political * ..	5·5	5·5	5·5	5·5	5·5	5·5	5·5
Pre-Reform contribution to Central ..	9·4	9·4	9·4	9·4	9·4	9·4	9·4
Total ..	18·2	19·1	19·8	20·7	21·4	22·4	23·3
Net Additional expenditure ..	171·1	159·2	153·6	169·2	148·2	134·7	96·7

* The figure of 5·5 adopted under this head is the same as that taken by the Meston Committee. Actual figures could not be readily obtained.

(Statement III)

STATEMENT III

Net result of the Reforms Settlement

(In Lakhs of Rupees)

—	1921-22	1922-23	1923-24	1924-25	1925-26	1926-27	1927-28
Net Increase in Revenue (without share of super-tax) ..	55.3	76.4	117.0	155.2	168.	188.8	176.0
Deduct— Net additional expenditure ..	-171.1	-159.2	-153.2	-169.2	-148.2	-134.7	-97.7
Net gain (+) or loss (-) in Revenue ..	-115.8	-82.8	-36.2	-14.0	+20.7	+4.1	+79.2
Net Increase (+) or decrease (-) in Revenue (with share of super-tax) ..	-117.0	-77.4	+26.3	+93.6	+125.8	+102.5	+129.5
Deduct— Net additional expenditure ..	-171.1	-159.2	-153.6	-169.2	-148.2	-134.7	-97.7
Net gain (+) or loss (-) in Revenue ..	-288.1	-236.6	-127.3	-75.6	-22.4	-32.2	+31.8

(Explanatory note on Statement of Increase in Revenue under the Reforms Settlement)

Explanatory Note on Statement of Increase in Revenue under the Reforms Settlement

Land Revenue :—Figures against this head represent half of net land revenue after deducting assessment of alienated lands (amounting to about 95 lakhs).

Stamps :—This is taken as half of total receipts under stamps.

Irrigation :—Figures under this head are half of total receipts under XIII and XIV Irrigation. It may be noted that since the reforms, receipts under these heads are net receipts after deducting "working expenses" which were recorded under the expenditure side previous to 1921-22. As both the receipts and expenditure were shared by the Central and Provincial Governments there would not be any difference in the figure whether the net figures on the revenue side or gross figures on both the sides are taken.

Decrease :—The figures represent half the receipts of income-tax collected in this province.

(ii) **Recurring assignments for Education, Sanitation and Police :—**Figures under these heads are in respect of recurring grants which were made by the Imperial Government to Provincial Governments to supplant provincial revenues. They were accounted for under the head "Transfers between Imperial and Provincial Revenues."

(iii) **Share of Super-tax :—**The figures represent half the receipts under super-tax.

Explanatory Note on Statement of Increase in Expenditure under the Reforms Settlement

Assignments under Land Revenue :—The Meston Committee adopted a figure of 7,40. The corresponding head under the Reforms classification is "5, D—Land Revenue—assignments and compensations." Half the figure under this head has been taken as increase in provincial expenditure.

Stamp Charges :—Half the total expenditure under "7, Stamps" has been taken into account.

Leave allowances in England :—The Meston Committee estimated 5 lakhs under this head. The actual figures as given in the High Commissioner's account and estimates have been taken into account.

Famine Relief :—Three-fourths of the statutory provision for famine relief has been taken as the Imperial Government were paying three-fourths of the cost on account of famine relief prior to reforms.

Irrigation :—Prior to reforms the Imperial Government were paying full charges for "35—Protective Irrigation Works" and the rest of the Irrigation expenditure under "42" and "43" were shared between the two Governments. Under the reforms the head "15" roughly corresponds to "35" and "14" and "16" (works financed from ordinary revenue) represent other expenditure. The figures arrived at are therefore :

whole expenditure under "15" (financed from ordinary revenue) and half of expenditure under "14" and "16" (financed from ordinary revenue).

Superannuation allowance in England :—The Meston Committee made no allowance for this item on the ground that figures on account of Imperial and several provincial Governments could not be easily separated. As however this is an item of additional expenditure the actual figures for the item as given under "Expenditure in England" have been given.

Contribution to Central :—This figure does not require any explanation.

Decrease

Income Tax charges :—These charges which were formerly shared by the two Governments are now wholly Imperial; they are therefore taken as decrease in expenditure.

Political :—The figure (5.5) adopted for this head as decrease in expenditure is the same as taken by the Meston Committee as actual figures of expenditure are not available.

Pre-Reforms contribution (9.4) :—This was the contribution payable by the Provincial Government under the pre-Reforms Settlement. This is taken as an item of reduction in expenditure as the full contribution after reforms has already been taken as an item of increased expenditure.

(Statements IV and V)

STATEMENT IV

Land Revenue (Bombay)

(In lakhs of Rupees)

Year	Gross Land Revenue	Assessment of alienated land	Net Land Revenue
1910-11	5,17	96	4,21
1911-12	4,74	96	3,78
1912-13	4,74	96	3,78
1913-14	5,60	96	4,64
1914-15	5,12	94	4,18
1915-16	5,21	93	4,28
1916-17	5,12	92	4,20
1917-18	4,92	94	3,98
1918-19	4,29	95	3,34
1919-20	5,28	94	4,34
1920-21	4,35	94	3,41
1921-22	5,92	94	4,98
1922-23	5,59	94	4,65
1923-24	5,09	94	4,15
1924-25	5,17	95	4,22
1925-26	5,41	96	4,45
1926-27	4,67	97	3,70
1927-28 (Revised)	5,45	97	4,48
1928-29 (Budget)	5,38	97	4,41

STATEMENT V

Excise Revenue (Bombay)

(In lakhs of Rupees)

1910-11	1,87	1920-21	4,54
1911-12	2,00	1921-22	3,42
1912-13	2,12	1922-23	4,22
1913-14	2,22	1923-24	4,34
1914-15	2,20	1924-25	4,42
1915-16	2,27	1925-26	*3,95
1916-17	2,60	1926-27	*3,97
1917-18	3,19	1927-28 (Revised)	*3,74
1918-19	3,78	1928-29 (Budget)	*3,80
1919-20	4,01		

*Excluding cost price of opium.

(Statement VI)

STATEMENT VI

*Revenue from General Stamps**(In lakhs of Rupees)*

Year				Total Revenue	Increase due to additional taxation	Net Revenue
1910-11	..	..	..	45	....	45
1911-12	..	..	..	39	....	39
1912-13	..	..	..	39	.. ..	39
1913-14	..	..	..	40	....	40
1914-15	..	..	..	35	....	35
1915-16	..	..	..	38	....	38
1916-17	..	..	..	47	....	47
1917-18	..	..	..	55	....	55
1918-19	..	..	..	64	....	64
1919-20	..	..	..	94	....	94
1920-21	..	..	..	102	....	102
1921-22	..	..	..	84	....	84
1922-23	..	..	..	95	15	80
1923-24	..	..	..	91	15	76
1924-25	..	..	..	98	15	83
1925-26	..	..	..	97	15	82
1926-27	..	..	..	88	20	68
1927-28 (Revised)	..	..	..	94	20	74
1928-29 (Budget)	..	..	..	90	20	70

(Statement VII)

STATEMENT

Growth of Expenditure

(Lakhs of

Years			Land Revenue and General Adminis- tration	Excise	Forests	Justice	Jails	Police
1910-11	..	..	101·5	9·46	20·70	54·54	10·99	94·80
1911-12	..	..	117·53	10·57	26·64	55·31	11·36	101·50
1912-13	..	..	109·41	10·80	26·92	56·69	12·01	102·33
1913-14	..	..	111·21	10·86	25·90	56·37	12·77	100·58
1914-15	..	..	117·58	11·43	24·83	57·77	12·83	104·25
1915-16	..	..	114·73	11·48	26·42	57·76	12·85	105·80
1916-17	..	..	111·14	11·24	25·65	56·16	13·35	106·16
1917-18	..	..	114·19	11·14	33·54	57·25	13·97	107·84
1918-19	..	..	134·51	12·99	78·72	61·63	20·07	119·34
1919-20	..	..	153·92	16·09	59·19	67·34	26·45	150·12
1920-21	..	..	185·49	38·09	53·05	75·63	29·97	176·22
1921-22	..	..	192·92	23·80	50·80	70·99	31·39	192·00
1922-23	..	..	190·45	32·76	40·14	67·00	27·03	173·82
1923-24	..	..	192·02	35·36	44·01	69·93	25·04	168·31
1924-25	..	..	191·45	40·39	48·82	72·81	26·12	171·21
1925-26	..	..	196·83	54·18	42·08	75·24	25·59	172·29
1926-27	..	..	197·37	64·3	42·75	76·27	24·91	170·21
1927-28	..	..	197·14	43·89	43·99	76·43	24·90	170·74
1928-29	..	..	196·69	52·41	43·58	77·82	25·65	173·99

(Statement VII)

VII

in Bombay

Rupees)

Education	Medical	Public Health	Agriculture	Irrigation including working expenses since 1921-22	Civil Works	Total
47·54	14·63	8·63	7·7	87·1	83·3	....
48·73	15·66	8·70	10·1	88·5	135·4	....
61·85	18·00	5·49	9·70	94·2	97·8	....
72·76	20·24	6·97	11·22	114·2	119·1	....
88·08	18·40	6·60	12·46	114·8	113·5	....
75·80	18·13	5·74	12·06	108·8	85·7	....
76·02	19·17	4·61	12·60	90·6	75·1	....
79·96	20·34	7·83	14·63	100·0	89·8	....
107·66	25·31	8·16	18·55	104·9	118·1	....
129·52	34·30	11·06	19·72	126·2	176·0	....
143·67	39·46	18·25	23·62	140·1	207·9	....
171·45	46·01	29·14	20·88	161·8	188·1	14,29
172·24	45·45	17·58	23·87	111·5	106·1	12,55
198·22	44·33	20·20	24·07	144·8	100·4	12,83
185·69	45·40	22·90	26·90	144·0	94·9	12,83
197·69	48·66	25·43	27·42	148·1	96·8	13,64
199·64	49·91	19·97	26·86	156·2	125·7	14,10
205·04	47·29	22·10	28·40	169·4	135·8	14,17
200·26	53·98	30·41	28·63	168·8	128·2	14,33

(Appendix A)

APPENDIX A

Land Revenue and General Administration:—It will be seen from the Statement (No. VII) that our expenditure under these heads was 101 lakhs in 1910-11. By 1920-21 it had reached a figure of 185 lakhs—an increase of 84 lakhs or nearly 84 per cent. In 1921 the figure of expenditure under these heads was 193 lakhs. The figures exclude the cost of alienated lands of nearly 95 lakhs of rupees in order to make it comparable with the figures from 1910 to 1920. From 193 lakhs in 1921 the budget figure for 1928-29 has risen to nearly 199 lakhs—an increase of 6 lakhs or little over 3 per cent. Minor adjustments between this head and heads like police, etc., have been neglected, but the total of these items would be less than a few lakhs, and would not vitiate the argument materially. This will show that Bombay's expenditure under this head has not increased since the Reforms.

Justice:—The expenditure under this head was 55 lakhs in 1910-11. By 1920-21 the expenditure had grown to 76 lakhs—an increase of over 21 lakhs or nearly 40 per cent. In 1921-22 the expenditure under this head was only 71 lakhs and in 1928-29 it has risen to 78 lakhs—a figure which is only 7 lakhs above the figure of 1921 or 2 lakhs above the figure of 1920.

Jails:—The expenditure under this head in 1910-11 was 11 lakhs. In 1920-21 it had risen to 30 lakhs—an increase of 19 lakhs or over 170 per cent. In 1921 the expenditure was 31 lakhs. Since then it has gone down almost consistently and in 1927-28 (Revised) it is only 25 lakhs. In 1928-29 (Budget) it is about 25½ lakhs. The expenditure under this head has been actually cut down to the extent of nearly 5 or 6 lakhs.

Police:—The expenditure under this head was 95 lakhs in 1910-11. By 1920-21 it had increased to 176 lakhs—an increase of 81 lakhs or over 81 per cent. In 1921-22 the expenditure was 192 lakhs. Since then the figure has been greatly reduced and has been round about 170 lakhs in the last six years. There has been a decline of more than 20 lakhs from the 1921 figure.

Civil Works:—The expenditure in 1910-11 was 83 lakhs. By 1920-21 it had reached the record figure of 208 lakhs. The high figure reached just before the Reforms was due to the fact that the Government of Bombay spent out of accumulated balances on constructions of works neglected during war. Since the Reforms Bombay has done more borrowing for large works; while for small works which must fall on current revenues, expenditure has been reduced to the barest minimum. It may be remarked however that expenditure under this head is of a fluctuating character and it would not be fair to work out the percentage of growth under this item.

Irrigation:—The expenditure under this head in 1910-11 was 87 lakhs. By 1920-21 it had gone up to 140 lakhs or an increase of 53 lakhs. In 1921-22 the expenditure was 162 lakhs and for the year 1927-28 the Government of Bombay have provided 169 lakhs—an increase of 7 lakhs over 1921-22 or 29 lakhs over 1920-21.

Education:—The expenditure under this item in 1910-11 was 48 lakhs. It had risen in 1920-21 to 144 lakhs—an increase of 96 lakhs or of 200 per cent. In 1921-22 the expenditure was 171 lakhs. The expenditure since then has been steadily growing and is in the budget of 1928-29, 209 lakhs. Thus the expenditure has increased by nearly 38 lakhs or a little over 22 per cent. since 1921-22. The increase however does not at all compare favourably with the pre-reforms increase. The Government of Bombay have all along been forced to restrict stringently the expansion in the activities of this Department. But that will be discussed later. Here it may be remarked that neither the Council nor the Government is satisfied with this rate of progress in Education; and had it not been for financial stringency, the rate of growth would have been much greater.

Medical:—In 1910-11 the expenditure under this item was 15 lakhs. In 1920-21 the expenditure was nearly 40 lakhs—an increase of nearly 25 lakhs or 166 per cent. In 1921-22 the expenditure was 46 lakhs. Since then it has been more or less constant; this year the figure is 47 lakhs. In the 1928-29 budget, however, the Government of Bombay have provided for 54 lakhs under this item. The increase is due mainly to Bombay's commitments under the new hospital schemes. It will be seen therefore that since 1921-22 there has not been any great expansion of Bombay's activities under this head; but that the Government of Bombay are now definitely committed to rapid progress, for which new sources of revenue must be found.

Public Health:—The expenditure in 1910-11 was 9 lakhs. In 1920 it was 18 lakhs—an increase of 9 lakhs or 100 per cent. In 1921 the expenditure was 29 lakhs. From that

(Appendix A)

year the expenditure has been round about 22 to 23 lakhs. Only in the 1928-29 budget the Government of Bombay have provided for 30 lakhs.

Agriculture :—The expenditure in 1910 was nearly 8 lakhs. In 1920-21 it was 24 lakhs—an increase of 16 lakhs or 200 per cent. In 1921-22 the expenditure was nearly 30 lakhs. Since then it has been going down slightly. In 1927-28 and 1928-29 the Government of Bombay have provided nearly 28½ lakhs under this head.

(Statement VIII)

STATEMENT VIII

A few of the Major Works under Medical omitted from the Budget for want of funds.

1928-29 Budget

(1) Additional accommodation for 50 beds at the Central Mental Hospital, Yeravla, estimated to cost Rs. 2½ lakhs. The number of patients has been increasing beyond the capacity of the Hospital and the Surgeon General considered the work very urgent. Administrative approval has already been accorded.

Also refused in the previous year.

(2) *Mental Hospital, Hyderabad Sind.*—Additions and alterations to—Estimated to cost Rs. 21,112, strength of in-patients 151 as against capacity for 124. The Superintendent cannot admit any more. Administrative approval to the work already given.

(3) *B. J. Medical School, Ahmedabad.*—Fittings and equipment estimated to cost Rs. 50,000. Administrative approval already given.

Also refused in the previous two years.

(4) *Civil Hospital, Jalgaon.*—Construction of a maternity ward at the cost of Rs. 12,110. Administrative approval already given. At present only one maternity case could be treated at a time and hence the necessity for the additional ward.

Refused in the previous year.

(5) *Mental Hospital, Naupada, Thana.*—Sewage scheme costing Rs. 1,42,172. The existing arrangement for the disposal of the sewage is very crude and insanitary. Administrative approval already given.

(6) *Civil Hospital, Satara.*—Constructing a new female ward at the cost of Rs. 17,060. Administrative approval already given. There is an urgent necessity for the ward as more than one case could not be treated in the present building at a time.

Budget provision for 1927-28.

Also refused in the previous year.

(1) *Civil Hospital, Godhra.*—Additions and alterations to the—costing Rs. 15,868. The work has been administratively approved and unless these works are carried out, the new Zanana Hospital cannot be taken full advantage of.

(2) *New Civil Hospital, Thana.*—Estimated to cost nearly 4 lakhs of rupees. Administrative approval accorded. The existing hospital is in a very bad state in fact, consisting of a few sheds it could not be called a building. The urgency for the new hospital is very great especially as the demand for medical help in Thana, is increasing day by day. No provision could be made.

Refused in the previous year also.

(3) *Infectious diseases ward at the Civil Hospital at Karwar.* Estimated to cost Rs. 14,000. Administrative approval accorded. There is need for a separate ward.

Budget for 1926-27.

(1) Conversion of Municipal dispensary into a Civil Hospital at *Mirpurkhas*, estimated to cost Rs. 15,000. Administrative approval accorded. The necessity for conversion is very desirable. No provision could be made not only in this year but in the subsequent two years.

(2) *Infectious diseases ward at Civil Hospital, Mahabeshwar.* Estimate Rs. 30,000. Administrative approval given. Work urgently required.

(Statement IX)

STATEMENT IX

List of a few cases in which grants were refused to Municipalities for Public Health purposes.

Ahmedabad Water Supply and Drainage Projects.—This was estimated to cost Rs. 61 lakhs and the Municipality raised a loan of 45½ lakhs towards it and started the work. The Municipality asked for a grant of nearly 14 lakhs to cover the remaining cost but owing to financial stringency this application was refused.

Alundi Water Supply.—As early as 1915 the plans and estimates for this scheme were approved and Government had promised a grant of 1.35 lakhs, the entire estimated cost. But war intervened and the grant was never given. In the budget for 1926-27 revised plans estimated to cost Rs. 80,662 were submitted and the Sanitary Board gave the first place of importance to the work on account of imperative urgency due to the annual fair. The grant is still to be given, the provision for the work being excluded from every year's budget on account of stringency.

Godhra Water Supply.—Plans and estimates amounting to nearly Rs. 7 lakhs were sanctioned in December 1922 but owing to the financial stringency no grant was then given. In the proposals for the budget of 1926-27 the Sanitary Engineer proposed a provision of Rs. 75,000 for that year but it was cut out. No grant has still been made for want of fund.

Gokak Water Supply.—This scheme estimated to cost 2½ lakhs was approved by the Sanitary Board and the Sanitary Engineer proposed a provision of Rs. 50,000 in the budget of 1926-27. It was cut out and no grant has so far been given.

Nandurbar Water Supply.—The scheme has been estimated to cost nearly Rs. 2½ lakhs. The Municipality was allowed to raise a loan of 1 lakh. As the work is undertaken by the Public Works Department agency only a grant of 24 per cent. to cover the establishment tools and plant charges, has been given.

Jacobabad Water Supply.—Estimated to cost Rs. 2.20 lakhs. The Municipality is prepared to find half the cost out of its balance. But Government is not yet able to give any grant.

CHAPTER IX—FINANCIAL

(Statement X)

STATEMENT X

Statement showing expenditure on Nation Building Departments since 1910-11

(Lakhs of Rupees)

		Irrigation	Scientific Departments	Education	Medica	Public Health	Agriculture	Industries	Civil Works	Total	*Total other expenditure exceeding contributions	*Total Provincial expenditure including Working Expenses under XIII, Irrigation and contributions
1910-11	..	87.1	0.1	47.5	15.9	6.8	7.7	..	88.3	248.4	..	..
1911-12	..	88.5	0.1	48.7	17.1	7.2	10.1	..	135.4	307.1	..	..
1912-13	..	94.2	0.1	61.8	19.3	4.1	9.2	..	97.0	286.0	..	..
1913-14	..	114.2	0.2	73.8	22.3	4.9	11.2	..	119.1	344.7	..	..
1914-15	..	114.8	0.1	83.0	20.1	4.8	12.5	..	118.5	348.8	..	..
1915-16	..	108.8	0.1	75.8	18.1	5.7	12.1	..	85.7	305.8	..	..
1916-17	..	90.6	0.1	76.0	19.1	4.6	12.6	..	75.1	277.1	..	..
1917-18	..	100.0	0.4	80.4	20.2	7.8	14.6	0.1	89.8	313.3	..	..
1918-19	..	104.9	0.1	107.7	25.1	8.2	18.6	0.7	118.1	383.4	..	..
1919-20	..	126.2	0.5	129.8	34.1	11.0	19.7	3.0	176.0	499.8	..	..
1920-21	..	140.1	1.7	143.1	38.5	18.2	23.5	2.6	207.9	575.6	..	..
1921-22	..	161.8	1.3	172.5	46.0	29.1	29.9	7.6	188.1	636.3	8.33	14.29
1922-23	..	111.5	0.8	172.2	45.5	17.6	23.9	2.9	106.1	480.5	8.34	12.55
1923-24	..	144.8	0.7	193.2	44.8	20.2	24.1	1.7	100.4	529.4	7.99	12.83
1924-25	..	144.0	0.7	185.7	45.4	22.9	26.9	0.2	94.9	520.7	8.15	12.83
1925-26	..	148.1	0.8	197.7	48.7	25.4	27.4	0.7	96.8	545.6	8.72	13.64
1926-27	..	156.2	0.6	199.6	49.9	20.0	26.9	0.8	125.7	579.8	8.91	14.10
1927-28	..	169.4	0.6	205.0	47.3	22.1	28.4	0.8	135.8	609.4	8.66	14.17
1928-29	..	168.8	0.9	209.3	54.0	30.4	28.6	1.0	128.2	621.2	8.69	14.33

* Including "Working Expenses" deducted from "XIII—Irrigation" since 1921-22 as follows :

1921-22	..	37.9
1922-23	..	39.0
1923-24	..	44.8
1924-25	..	52.6
1925-26	..	54.0
1926-27	..	60.7
1927-28	..	57.9
1928-29	..	57.3

CHAPTER IX—FINANCIAL

621

(Statement XI)

STATEMENT XI

MADRAS

Statement showing expenditure on Nation Building Departments since 1910-11

(Lakhs of Rupees)

		Irrigation †	Scientific Departments	Education	Medical	Public Health	Agriculture	Industries	Civil Works	Total expenditure on Nation Building Departments	Expenditure on other Departments excluding contributions	Total expenditure excluding working expenses under XIII—Irrigation and contributions
1910-11	..	89.9	0.3	39.9	15.4	2.8	..	..	95.4	249.6	..	..
1911-12	..	87.1	..	45.7	15.4	2.9	..	..	110.1	261.2	..	..
1912-13	..	88.0	..	65.5	16.7	4.3	7.2	..	156.6	338.4	..	..
1913-14	..	96.3	..	70.5	17.6	7.8	8.6	..	168.9	378.8	..	..
1914-15	..	108.2	..	78.3	18.0	7.6	8.4	..	163.1	378.6	..	..
1915-16	..	94.6	..	77.0	16.8	84.0	10.8	..	87.0	320.1	..	..
1916-17	..	87.1	..	85.2	18.0	17.1	12.0	..	79.8	287.1	..	..
1917-18	..	96.3	..	94.1	21.7	10.4	12.9	2.5	80.7	324.5	..	..
1918-19	..	98.2	..	110.2	26.9	15.6	15.9	7.8	103.2	377.9	..	..
1919-20	..	94.7	..	122.4	35.8	21.7	19.7	8.7	111.6	414.5	..	..
1920-21	..	96.1	..	133.0	44.1	23.8	21.9	14.2	113.5	446.7	..	..
1921-22	..	111.0	1.3	142.5	58.5	26.9	25.9	20.7	121.8	508.2	7.99	12.74
1922-23	..	106.0	1.4	154.4	56.4	10.3	26.9	17.8	106.1	479.3	8.15	12.61
1923-24	..	110.0	1.2	164.5	56.7	11.8	26.7	16.5	103.5	491.0	8.04	12.73
1924-25	..	121.0	1.4	171.3	57.9	31.6	26.9	18.0	81.6	512.6	8.40	13.09
1925-26	..	130.0	3.2	187.5	59.7	33.2	30.1	17.4	99.5	560.4	8.55	13.73
1926-27 (Revised)	..	130.0	0.6	200.0	69.5	30.0	33.0	17.6	121.8	608.4	8.90	14.53
1927-28 (Budget)	..	143.0	2.7	217.6	75.9	34.0	34.3	20.8	174.1	702.3	9.14	15.62
1928-29	..	..	..	..	..	..	..	..	..	..	..	..

* Grants for Public Health purposes were 29 lakhs in 1915-16.

† Includes "Working Expenses" under XIII—Irrigation from 1921-22 as follows:—

1921-22	..	32.8	Contributions ..	1925-26	..	127
1922-23	..	32.7		1926-27	..	183
1923-24	..	31.8		1927-28	..	348
1924-25	..	48.3				
1925-26	..	41.5				
1926-27	..	45.4				
1927-28	..	53.6				

(Statement XII)

STATEMENT XII

UNITED PROVINCES

Statement showing expenditure on Nation Building Departments since 1910-11

(Figures in Lakhs of Rupees)

		Irrigation †	Scientific Departments	Education	Medical	Public Health	Agriculture	Industries	Civil Works	Total expenditure on Nation Building Departments	Expenditure on other Departments excluding contributions	Total expenditure excluding working expenses under XIII—Irrigation and contributions
1910-11	..	86.5	NH	38.5	12.0	5.9	..	..	70.7	213.5	..	..
1911-12	..	85.4	NH	48.4	11.9	18.1	..	..	71.2	235.0	..	..
1912-13	..	86.2	NH	56.6	12.7	16.3	11.3	..	73.8	266.9	..	..
1913-14	..	91.1	NH	78.0	16.0	21.5	12.1	..	90.0	309.4	..	..
1914-15	..	92.8	NH	70.2	13.4	19.1	12.2	..	76.2	283.9	..	..
1915-16	..	94.3	NH	60.8	13.0	14.3	12.8	..	73.2	269.0	..	..
1916-17	..	85.6	NH	62.3	13.0	13.7	11.9	..	65.9	253.0	..	..
1917-18	..	86.7	NH	66.2	13.9	22.5	14.5	0.7	60.9	265.3	..	..
1918-19	..	85.8	NH	76.8	15.8	19.2	17.5	0.7	65.7	281.5	..	..
1919-20	..	89.0	NH	105.2	18.7	22.6	17.0	1.2	87.2	340.8	..	..
1920-21	..	100.3	NH	119.3	23.3	15.3	23.2	1.6	100.5	383.5	..	..
1921-22	..	105.0	0.7	151.4	24.0	28.7	27.6	9.5	103.6	450.5	7.51	11.49
1922-23	..	106.0	0.3	139.3	25.7	14.5	26.3	8.7	78.7	399.6	7.25	10.71
1923-24	..	112.0	0.2	159.0	25.1	13.5	24.4	10.6	75.0	420.6	6.80	10.48
1924-25	..	115.0	0.2	172.5	25.8	16.9	23.7	9.7	81.9	445.8	6.47	10.42
1925-26	..	127.0	0.2	186.5	30.9	*45.6	27.2	10.0	71.1	499.5	6.70	11.17
1926-27 (Revised)	..	140.0	0.2	184.2	31.4	22.3	30.1	12.2	66.0	486.4	6.93	11.24
1927-28 (Budget)	..	144.0	0.2	176.2	33.4	26.0	30.3	13.0	63.1	486.2	7.13	11.40
1928-29	..	..	..	..	..	..	..	..	..	..	..	..

* The heavy charges under this head are due to readjustment of certain grants to local bodies from Capital to Revenue.

† Includes "Working Expenses" under XIII—Irrigation from 1921-22 as follows:—

1921-22	..	52.9
1922-23	..	53.6
1923-24	..	52.9
1924-25	..	50.9
1925-26	..	52.6
1926-27	..	54.9
1927-28	..	59.1

(Statement XIII)

STATEMENT XIII

PUNJAB

Statement showing expenditure on Nation Building Departments since 1910-11

(Figures in Lakhs of Rupees)

		Irrigation*	Scientific Departments	Education	Medical	Public Health	Agriculture	Industries	Civil Works	Total expenditure on Nation Building Departments	Expenditure on other Departments excluding contributions	Total expenditure excluding working expenses under XIII—Irrigation and contributions
1910-11	..	137·8	NH	22·8	8·9	5·8	..	..	51·3	225·6	..	..
1911-12	..	147·6	NH	23·6	9·8	11·9	..	..	62·8	255·1	..	..
1912-13	..	159·2	NH	34·5	8·8	17·0	9·7	..	68·8	297·9	..	..
1913-14	..	161·0	NH	44·7	9·6	4·2	9·9	..	97·0	326·3	..	..
1914-15	..	170·6	NH	42·2	13·6	14·6	11·7	..	91·6	344·4	..	..
1915-16	..	187·0	NH	44·1	12·7	7·0	12·1	..	65·5	323·4	..	..
1916-17	..	184·2	NH	42·8	8·0	8·1	12·4	..	49·8	306·3	..	..
1917-18	..	190·6	NH	44·5	9·3	9·8	13·6	..	51·3	319·1	..	..
1918-19	..	192·6	NH	53·6	11·7	8·1	16·8	0·5	70·8	353·6	..	..
1919-20	..	206·1	NH	57·4	14·0	10·0	21·2	0·8	102·5	412·0	..	..
1920-21	..	221·1	NH	73·1	23·6	8·4	26·1	2·0	122·4	476·6	..	..
1921-22	..	248·2	0·4	87·1	31·8	10·7	31·9	6·3	124·6	541·0	4·98	8·81
1922-23	..	244·0	0·9	99·0	30·5	9·8	30·3	8·6	106·3	529·9	5·12	8·87
1923-24	..	247·0	0·6	103·4	31·1	10·9	27·9	8·6	84·5	513·9	4·37	8·04
1924-25	..	261·0	0·5	109·3	30·6	14·9	28·7	6·9	70·2	522·0	4·31	7·97
1925-26	..	349·0	0·2	141·8	35·3	16·3	38·0	7·4	109·2	697·3	4·54	9·94
1926-27 (Revised).	..	435·0	0·6	146·4	41·0	23·9	46·0	6·3	166·1	865·3	4·82	11·77
1927-28 (Budget).	..	471·0	0·3	155·7	47·4	20·8	54·6	8·8	200·3	958·8	4·67	12·53
1928-29	..	..	..	..	..	..	..	..	..	..	..	..

* Includes Working Expenses under XIII—Irrigation from 1921-22 as follows:—

1921-22	..	153·2
1922-23	..	156·5
1923-24	..	147·1
1924-25	..	155·6
1925-26	..	157·0
1926-27	..	170·0
1927-28	..	174·4

(Statement XIV)

STATEMENT XIV

BENGAL

Statement showing expenditure on Nation Building Departments since 1910-11.

(Figures in Lakhs of Rupees)

		Irrigation *	Scientific Departments	Education	Medical	Public Health	Agriculture	Industries	Civil Works	Total expenditure on Nation Building Departments	Expenditure on other Departments excluding contributions	Total expenditure including working expenses under XIII—Irrigation and contributions
1910-11	..	66.8	0.1	55.2	21.4	2.8	..	..	65.6	211.5	..	..
1911-12	..	62.9	0.2	58.5	22.1	3.0	..	..	88.2	232.1	..	..
1912-13	..	21.7	0.2	73.8	22.7	3.8	8.0	..	90.0	220.0	..	..
1913-14	..	27.0	0.1	81.1	25.2	3.3	9.3	..	102.2	248.3	..	..
1914-15	..	34.0	0.2	92.1	24.8	5.4	10.2	..	124.7	291.4	..	..
1915-16	..	28.7	0.2	84.8	22.8	4.2	11.4	..	89.4	241.5	..	..
1916-17	..	25.5	0.2	76.9	23.4	3.9	10.9	..	64.4	205.1	..	..
1917-18	..	28.9	0.2	80.9	28.0	4.7	11.7	0.5	90.2	245.1	..	..
1918-19	..	32.1	0.2	86.1	29.0	7.7	14.3	1.4	103.8	274.5	..	..
1919-20	..	37.8	0.2	98.2	30.1	14.1	16.5	2.0	112.3	311.3	..	..
1920-21	..	32.5	0.2	108.4	38.2	12.6	18.0	5.0	151.3	366.2	..	..
1921-22	..	74.0	0.2	118.8	52.6	23.5	20.8	11.6	142.6	444.0	6.16	10.48
1922-23	..	21.0	0.2	123.2	55.4	25.1	21.4	12.5	102.2	380.9	6.11	9.59
1923-24	..	64.0	0.3	124.0	50.8	24.1	19.5	10.2	93.3	386.7	6.00	9.78
1924-25	..	48.0	0.3	122.5	56.8	28.5	18.3	9.9	96.2	380.5	6.08	9.76
1925-26	..	46.0	0.3	133.1	59.4	24.4	19.9	11.9	111.4	406.2	6.40	10.31
1926-27 (Revised).	50.0	0.6	135.2	57.8	35.4	21.4	12.5	114.8	427.7	6.69	10.82	
1927-28 (Budget).	56.0	0.3	140.5	57.0	33.3	23.6	13.5	116.6	440.8	6.83	11.07	
1928-29	..	..	..	..	..	..	..	..	..	..	..	..

* Includes Working Expenses under XIII—Irrigation from 1921-22 as follows:—

1921-22	..	12.1
1922-23	..	13.2
1923-24	..	9.2
1924-25	..	12.2
1925-26	..	15.1
1926-27	..	14.9
1927-28	..	17.2

(Statement XV)

STATEMENT XV

Revenue from Additional Taxation

(Lakhs of Rupees)

		Cotton Cess	Stamp Act*	Court Fees Act*	Entertain- ments Act	Betting Tax	Transfer of Property Tax*	Total
1		2	3	4	5	6	7	8
1931-32	..	20	..	..	..	..	..	20
1932-33	..	21	15	6	3	..	..	45
1933-34	..	21	15	6	9	..	..	51
1934-35	..	18	15	..	9	..	..	42
1935-36	..	21	15	..	7	8	..	51
1936-37	..	15	15	6	7	12	5	60
1937-38 (Revised) ..		18	15	6	7	14	5	65
1938-39 (Budget) ..		18	15	6	7	14	5	65

* Estimated figures.

(Statement XVI)

STATEMENT XVI

Expenditure per capita, year 1927-28

Province	Population in lakhs	Land Revenue and General Adminis- tration	Column 3 Column 2	Justice, Jails and Police	Column 5 Column 2	Education
1	2	3	4	5	6	7
		Lakhs of Rs.	Rs.	Lakhs of Rs.	Rs.	Lakhs of Rs.
Madras ..	423	278	•66	321	•76	218
Bombay ..	193	294	1•52	272	1•41	205
Bengal ..	467	168	•36	342	•73	156
United Provinces ..	454	225	•50	275	•61	141
Punjab ..	207	152	•73	300	•97	176
Burma ..	132	175	1•33	248	1•88	56
Bihar and Orissa ..	340	96	•28	140	•41	87
Central Provinces and Berar.	139	98	•71	103	•74	127
Assam ..	76	49	•65	41	•54	29

Province	Column 7 Column 2	Medical, Public Health	Column 9 Column 2	Civil Works	Column 11 Column 2	Total expendi- ture per capita
1	8	9	10	11	12	13
	Rs.	Lakhs of Rs.	Rs.	Lakhs of Rs.	Rs.	Rs.
Madras ..	•52	110	•26	174	•41	3•7
Bombay ..	1•06	69	•86	136	•70	7•3
Bengal ..	•33	90	•19	170	•36	2•4
United Provinces ..	•31	59	•13	63	•14	2•5
Punjab ..	•85	68	•33	200	•97	6•0
Burma ..	•42	84	•64	254	1•92	9•2
Bihar and Orissa ..	•26	45	•13	93	•27	1•8
Central Provinces and Berar.	•99	19	•14	102	•73	4•2
Assam ..	•38	24	•32	....	....	3•7

(Statement XVII)

STATEMENT XVII

Expenditure under different Departments per 100 square miles of area in various Provinces

(In Lakhs of Rupees)

Province	Area in 100 square miles	Land Revenue and General Administration	Column 3 Column 2	Justice, Jails and Police	Column 5 Column 2	Education
1	2	3	4	5	6	7
Madras ..	142	278	1·96	321	2·26	218
Bombay ..	124	294	2·37	272	2·19	205
Bengal ..	77	168	2·18	342	4·44	158
United Provinces ..	106	225	2·12	275	2·59	141
Punjab ..	100	152	1·52	200	2·00	176
Burma ..	284	175	·75	248	1·06	56
Bihar and Orissa ..	83	96	1·16	140	1·69	87
Central Provinces and Berar ..	100	98	·98	108	1·08	137
Assam ..	53	48	·92	41	·77	29

Province	Column 7 Column 2	Medical and Public Health	Column 9 Column 2	Civil Works	Column 11 Column 2	Total Expenditure	Column 13 Column 2
	8	9	10	11	12	13	14
Madras ..	1·54	110	·77	174	1·23	15·62	11·00
Bombay ..	1·65	69	·56	136	1·10	14·17	11·43
Bengal ..	2·03	90	1·17	170	2·21	11·07	14·38
United Provinces ..	1·83	59	·56	63	·59	11·40	10·75
Punjab ..	1·76	68	·68	200	2·00	12·52	12·52
Burma ..	·24	84	·36	254	1·09	12·10	5·17
Bihar and Orissa ..	1·05	45	·54	93	1·12	6·00	7·23
Central Provinces and Berar ..	1·37	19	·19	102	1·02	5·33	5·33
Assam ..	·55	24	·45	..	..	2·80	5·28

(Appendix B)

APPENDIX B

THE HIGH TAXATION IN BOMBAY

In this note the question whether taxation in Bombay is higher than in other provinces is briefly examined. Here again the only general figures available to us are per capita figures. Comparison of rates of taxation is not in most cases possible. The three main taxes may be discussed in detail.

Land Revenue.—The Land Revenue* per capita in the various provinces is as follows :—

						Rs.
Madras	..	..	..	..	..	1.73
Bombay	..	..	..	..	..	2.82
Bengal	..	..	..	..	..	.67
United Provinces	..	..	..	..	..	1.52
Punjab	..	..	..	..	..	1.38
Burma	..	..	..	..	..	4.05
Bihar and Orissa	..	..	..	..	..	.49
Central Provinces	..	..	..	..	..	1.79
Assam	..	..	..	..	..	1.49

From these figures it will be seen that the Land Revenue per capita is much higher in Bombay than in all the provinces except Burma.

The Taxation Committee consider that the best way of comparing the incidence of Land Revenue would be to compare the percentage borne by Land Revenue assessment to the competitive annual value or to rents. The Committee quote statistics which give the average percentage as far as possible in many of the provinces. In Bengal the percentage of Land Revenue to annual rents is 21 per cent., in Bihar and Orissa it is 12.5 per cent. In Punjab the average is 25 per cent., in the United Provinces it is 21 per cent. In Bombay the percentage varies from 17 to 50 per cent. The average for Bombay though the Committee have not worked it out, may be taken as nearly 33 per cent. In Madras it is about 17 per cent. From these figures it would be seen that the incidence of Land Revenue is higher in Bombay than in other Provinces.

Excise.—The per capita figure* of Excise revenue in the various provinces is as follows :—

						Rs.
Madras	..	..	..	..	..	1.18
Bombay	..	..	..	..	..	2.00
Bengal	..	..	..	..	..	.49
United Provinces	..	..	..	..	..	.30
Punjab	..	..	..	..	..	.53
Burma	..	..	..	..	..	.92
Bihar and Orissa	..	..	..	..	..	.58
Central Provinces	..	..	..	..	..	1.05
Assam	..	..	..	..	..	.95

* See Statement XIX.

It will be seen that the per capita Excise revenue in Bombay is far higher than in any other province.

This high Excise revenue is due to two factors. Our consumption of excisable items is much greater per capita than in other provinces. Similarly our taxation per unit is also higher. It is not possible to work out the consumption and taxation per unit of all the articles taxed under Excise revenue. The most important article under this head is country spirit which produces nearly half or more than half of the total Excise revenue. A statement has been worked out (*vide* Statement XX) showing the consumption of country spirit in the various provinces to total taxation of country spirit and the consumption per capita as well as taxation per proof gallon.

(Appendix B)

The consumption per head of population of country spirit in the various provinces in 1926-27 is as follows :—

						London proof gallons
Madras	..	..	..	..	..	·034
Bombay	..	..	..	..	..	·073
Bengal	..	..	..	..	..	·013
United Provinces (1925-26)*	..	..	..	..	..	·008
Punjab	..	..	..	..	..	·016
Burma (1925-26)*	..	..	..	..	..	·008
Bihar and Orissa	..	..	..	..	..	·031
Central Provinces (1926)*	..	..	..	..	..	·034
Assam	..	..	..	..	..	·034

From these figures it can be seen that the consumption per capita is very much higher in Bombay than in all the other provinces.

* (Later report not available.)

The Taxation (still head duty and vend fee) per proof gallon of country spirit in the various provinces is as follows :—

						Rs.
Madras	..	..	..	..	..	14·2
Bombay	..	..	..	..	..	16·5
Bengal	..	..	..	..	..	14·4
United Provinces	..	..	..	..	..	14·9
Punjab	..	..	..	..	..	16·9
Assam	..	..	..	..	..	8·4
Bihar and Orissa	..	..	..	..	..	8·6
Burma	..	..	..	..	..	12·4
Central Provinces and Berar	..	..	..	..	..	16·0

These figures show that the taxation per proof gallon of country spirit in Bombay is higher than in all the other provinces except the Punjab. Even the Punjab figure is higher than Bombay figure by only ·4.

Stamps.—The figures of taxation per head under this item are as follows :—

						Rs.
Madras	..	..	..	..	..	·90
Bombay	..	..	..	..	..	·90
Bengal	..	..	..	..	..	·76
United Provinces	..	..	..	..	..	·38
Punjab	..	..	..	..	..	·59
Burma	..	..	..	..	..	·..
Bihar and Orissa	..	..	..	..	..	·..
Central Provinces and Berar	..	..	..	..	..	·47
Assam	..	..	..	..	..	·31

It will be seen that taxation in Bombay is the highest in all the provinces.

Total revenue per head of population.—The following are the figures of total revenue per head :—

						Rs.
Madras	..	..	..	..	..	7·33
Bombay	..	..	..	..	..	7·33
Bengal	..	..	..	..	..	2·80
United Provinces	..	..	..	..	..	3·85
Punjab	..	..	..	..	..	6·22
Burma	..	..	..	..	..	7·83
Bihar and Orissa	..	..	..	..	..	1·67
Central Provinces and Berar	..	..	..	..	..	4·06
Assam	..	..	..	..	..	3·80

The total revenue per head is second highest in Bombay and only excelled by Burma.

(Statement XIX)

STATEMENT XIX

Revenue per Capita, 1927-28.

Province	Population in lakhs	Land Revenue	Column 3 Column 2	Excise	Column 5 Column 2
1	2	3	4	5	6
		Lakhs of Rs.	Rs.	Lakhs of Rs.	Rs.
Madras ..	423	755	1·78	498	1·18
Bombay ..	193	545	2·82	396	2·00
Bengal ..	467	315	·67	231	·49
United Provinces ..	454	691	1·52	138	·30
Punjab ..	207	285	1·38	109	·53
Burma ..	132	535	4·05	122	·02
Bihar and Orissa ..	340	165	·49	198	·58
Central Provinces and Berar ..	139	249	1·79	146	1·05
Assam ..	76	113	1·49	72	·95

Province	Judicial Stamps	Column 7 Column 2	Non-Judicial Stamps	Column 9 Column 2	Total revenue per head of population
	7	8	9	10	11
	Lakhs of Rs.	Rs.	Lakhs of Rs.	Rs.	Rs.
Madras	149·63	·35	103·07	·24	3·91
Bombay	80·50	·42	93·60	·48	7·33
Bengal	222·50	·48	129·50	·23	2·30
United Provinces ..	138·00	·30	34·17	·08	2·85
Punjab	73·49	·36	47·57	·23	6·22
Burma	33·70	·26	35·63	·27	7·83
Bihar and Orissa ..	83·00	·24	25·00	·07	1·67
Central Provinces and Berar	47·01	·24	18·49	·13	4·06
Assam	15·15	·20	8·50	·11	3·50

(Statement XX)

STATEMENT XX

Statement showing consumption of and receipts from country spirit in various provinces in the year 1926-27

Province	Consumption of Country Spirit in Lakhs of Gallons (London Proof)	Total Receipts from Country Spirit in Lakhs of Rupees	Total Receipts per gallon (London Proof) Column (3)	Population in Lakhs	Consumption of Country Spirit per capita in gallon (London Proof) Column 2
1	2	3	4	5	6
Bombay (including Sind) ..	14.1	233.1	16.5	193	.073
Madras ..	14.5	205.5	14.2	423	.034
Bengal ..	6.3	90.6	14.4	467	.013
United Provinces (1925-26) ..	3.7	55.2	14.9	454	.008
Punjab ..	3.4	57.3	16.9	207	.016
Assam	2.6	21.9	8.4	76	.034
Bihar and Orissa ..	10.6	91.5	8.6	340	.031
Burma (1925-26) ..	1.1	13.6	12.4	132	.008
Central Provinces and Berar (1926)	4.7	75.1	16.0	139	.031

(Appendix C)

APPENDIX C

WORKING OF DEVOLUTION RULE 15

Devolution Rule 15 was introduced by the Joint Select Committee firstly to give the provinces an interest in the efficient collection of Income-tax, but mainly because it was felt that the industrial and commercial provinces should be given some share of the growing revenue from Income-tax. As far as the former purpose is concerned the need of interesting the provinces in efficient administration has ceased to be important because the administration has been completely taken over by the Central Government. It is only as regards the second purpose that Devolution Rule 15 has to be mainly considered. As far as the Rule is meant to give a share of Income-tax to the industrial and commercial provinces it has failed completely. The two provinces which are industrial have gained almost next to nothing under the rule. A statement is attached which shows how much the various provinces have gained under Devolution Rule 15 (*vi* Statement XXI). From that statement it will be seen that Bengal has earned a paltry sum of Rs 95,000 under this rule in the year 1921-22. Bombay gained under the nearly 15 lakhs in 1921-22 and 3 lakhs in 1922-23. Since then it has gained nothing. Government of India have been distributing nearly one-fourth of a crore each year under this item, but the industrial provinces gained nothing out of this sum. It would be interesting to note that from 1921-22 to 1927-28 (Revised) the Government of India distributed 170 lakhs under Devolution Rule 15. Out of this sum Bombay and Bengal got between them only 18 lakhs. Thus the rule which was supposed to benefit the industrial provinces failed to give more than a tenth to those provinces. If 1921-22 were excluded then Bombay and Bengal receipts under Devolution Rule 15 would be less than 2 per cent. of the total sum distributed.

The admission of the Government of India of the failure of Devolution Rule 15, and the abortive attempts to amend it have already been referred to. The proposal which Bombay made was based on the following reasoning: Devolution Rule 15 as it was framed could never give the industrial provinces any substantial revenue. This was inevitable because of two reasons. In the first place the base year was the worst year of an industrial boom the like of which could not be expected for a generation or so. To expect an increase over this inflated income for some years to come was to shut one's eyes to industrial and financial history. The second reason why Bombay and Bengal did not get any assignment under the rule was because the Income-tax administration in both the provinces had attained very great efficiency and there was no great possibility of bringing more incomes under assessment. Both these factors have frustrated the object of giving any share of Income-tax to the industrial and commercial provinces.

In order to modify the defect of this rule Bombay suggested that the datum line should be changed. It is interesting to note that whereas all the other calculations of the Meston Committee should have been based on the figures for 1919-20, the datum line for this rule only should have been fixed as 1920-21. This departure has been condemned in principle by the Meston Committee themselves. In paragraph 16 of their report the Meston Committee remarked as follows:—

“Precision however clearly demands that all our standards should be based on figures for the same year.”

In view of this categorical statement of the Meston Committee the choosing of a different year for Devolution Rule 15 is curious. If the datum line had been 1919-20 Bombay would have gained more than it did under the present Devolution Rule. The assessed income in 1919-20 in Bombay was only about 50 lakhs whereas in 1920-21 it rose to nearly 64 lakhs (*vide* Statement XXII).

Apart from this criticism it may be pointed out that the method of selecting one year as the datum line is highly objectionable. In order to attain greater fairness a greater number of years should have been taken. A statement has been worked out showing the average assessed income of the last three pre-war years, the four war years, the three post-war years, and the average of all these 10 years (*vide* statement XXIII). If any of these were taken as the base, the sums that we would have gained have been shown in the statement. A 10 years' average which the Finance Secretary recommended would have been a fair solution. Taking three pre-war years would have unduly favoured the Provincial Governments. Taking three post-war years would have unduly favoured the Central Government. Taking the average of all the 10 years would neither benefit the provincial Governments nor the Central Government excessively. The Government of India however chose the worst year from the point of view of Provincial Governments and best from their point of view.

(Appendix C)

Apart from a change in the datum line, there was a great deal to be said for claiming a higher pie rate than the one which the rule gives us. A statement has been prepared which shows the average pie rate per rupee of assessed income which the Government of India get from Bombay (*vide* Statement XXIV). A 3 pie rate is less than one-fourth and in some cases one-sixth of this average pie rate. A pie rate on the excess of income over the datum line means of course that unless there is an excess of assessed income no pie rate great or small would be of any benefit to us. Statement XXV shows that Bombay would have gained if the pie rate of 5 pies and the datum lines as discussed above were taken. This was the reasoning on which Bombay based its claim for a revision of Devolution Rule 15.

In their reply to Mr. Jukes' letter about the revision of the Meston Settlement this Government desired Devolution Rule 15 to be modified as suggested before the proposed revision of the settlement was effected and the revenue which Bombay would have received from Devolution Rule 15 as so modified to be taken into account in considering its share of the taxation of income. Further this Government claimed that the difference between what Bombay would have received under a more equitable Devolution Rule 15 and the existing rule, since the reforms, should be made good by a lump payment to Bombay. Lastly the Government of Bombay suggested that the modification of Devolution Rule 15 should take precedence of the remission of provincial contributions if both could not be effected at once. In spite of all these representations the Government of Bombay have not been able to secure a modification of Devolution Rule 15. The whole question is interesting as showing how the remission of contributions in which the agricultural provinces were interested, was given precedence over the more legitimate demands of the industrial provinces which had been badly hit by the Meston Settlement.

(Statement XXI)

STATEMENT XXI

Provincial share of income tax under Devolution Rule 15

(In thousands of Rupees)

—				1921-22	1922-23	1923-24	1924-25
1				2	3	4	5
Madras	..	..	..	4,08	..	10,82	1,57
Bombay	..	..	..	14,72	3,00	..	..
Bengal	..	..	..	95	..	..	..
United Provinces	..	..	..	3,20	33	..	..
Punjab	..	..	..	30	5,69	4,24	1,90
Burma	..	..	..	3,85	..	38	5,90
Bihar and Orissa	..	..	..	58	2,87	2,55	2,55
Central Provinces	..	..	..	00	1,49	3,42	2,31
Assam	..	..	..	2	1,15	4,16	5,51
Total				28,60	14,53	25,57	19,77

—				1925-26	1926-27	1927-28 (Revised)	1928-29 (Budget)
1				6	7	8	9
Madras	..	..	..	4,27	4,64	5,10	6,50
Bombay	..	..	..	..	..	..	..
Bengal	..	..	..	..	..	..	..
United Provinces	..	..	..	3	..	..	..
Punjab	..	..	..	3,82	4,02	2,75	3,65
Burma	..	..	..	8,92	9,41*	10,20†	..
Bihar and Orissa	..	..	..	2,41	3,24	3,31	3,34
Central Provinces	..	..	..	1,36	2,18	1,04	1,62
Assam	..	..	..	5,29	4,50*	5,27†	..
Total				26,10	27,99	27,67	..

*Revised.

†Budget figures.

CHAPTER IX—FINANCIAL
(Statements XXII and XXIII)

639

STATEMENT XXII

Statement showing assessed income (above Rs. 2,000) in the Bombay Presidency calculated from income tax returns and other sources

(Lakhs of Rupees)

	1910-11	15.91	
	1911-12	17.04	
	1912-13	18.45	} 19.03 average.
	1913-14	21.61	
	1914-15	22.17	
Average 32.22	1915-16	23.62	} 27.80 "
	1916-17	26.72	
	1917-18	38.69	
	1918-19	40.08	
	1919-20	50.09	} 51.34 "
	1920-21	63.86	
	1921-22	73.34	
	1922-23	75.71	
	1923-24	60.27	
	1924-25	51.40	
	1925-26	49.63	
	1926-27	49.44	

STATEMENT XXIII

Statement showing the share of income tax (at 3 p) of the Government of Bombay if the Datum Line had been fixed in the manner shown in column 1

(In lakhs of Rupees.)

	1921-22	1922-23	1923-24	1924-25	1925-26	1926-27
1	2	3	4	5	6	7
(1) Average assessed income for 3 pre-war years .. 19.03	85	88	64	50	49	46
(2) Average assessed income of war years .. 27.80	71	75	51	37	34	32
(3) Average assessed income for 3 post war years .. 51.34	34	38	14	..	..	..
(4) Average assessed income for 10 pre-reforms years .. 32.22	64	68	44	30	27	25
X—Assessed income for 1919-20 .. 50.09	36	40	16	2	..	..

CHAPTER IX—FINANCIAL
(*Statements XXIV and XXV*)

STATEMENT XXIV

Statement showing the average number of pies recovered on every rupee assessed in the Bombay Presidency, 1919-1926

	1919-20	1920-21	1921-22	1922-23
Income Tax	10 6	11·1	12·7	12·5
Super tax	3·8	5·6	9·0	7·9
Total ..	14·4	16·7	21·7	20·4

	1923-24	1924-25	1925-26	1926-27
Income Tax	11·1	10·2	10·1	9·8
Super tax	5·8	..	..	..
Total ..	16·9	14·7	13·4	12·7

STATEMENT XXV

Statement showing the share of income tax (at 5 p) of the Government of Bombay if the Datum Line is fixed in the manner shown in column 1

(In lakhs of Rupees.)

	1921-22	1922-23	1923-24	1924-25	1925-26	1926-27
(1) Average Assessed income for 3 pre-war years .. 19,03	1,42	1,47	1,07	83	80	77
(2) Average Assessed income of war years .. 27,80	1,18	1,25	85	62	57	54
(3) Average Assessed income for 3 post war years .. 51,34	57	63	23	..	..	..
(4) Average Assessed income, for 10 pre reform years .. 32,22	1,07	1,13	73	50	45	42
X—Assessed income for 1919-20 .. 50,00	60	67	27	3	..	..

PART II

PROPOSALS

CHAPTER X—PROPOSALS

1. In Part I a purely descriptive account has been given of the working of the reformed system of Government. On the assumption that the Statutory Commission come to the conclusion that some advance in the direction of giving further power and responsibility to the people should be made, the Government of Bombay put forward the following suggestions indicating generally the lines on which the advance should be made.

The Provincial Government

2. The Government of Bombay do not suggest any changes in the territorial arrangements of this Presidency. In view, however, of the fact that the question of the separation of Sind from the Bombay Presidency has been a prominent subject of discussion of late both in the press and on the platform and that resolutions advocating the separation on certain conditions have been passed by the Muslim League, by various Muhammadan associations, the national congress and various other bodies or meetings, it is desirable that the Government of Bombay should give their views on the subject at some length. In the opinion of this Government, two members dissenting, the proposal for the separation of Sind is both impracticable and undesirable at present. Sind is too small geographically to be formed into a separate province; its area (47,000 square miles) is smaller than that of Assam (54,000 square miles), the smallest of the existing provinces, and even of this small area of 47,000 square miles, about 10,000 square miles are desert and uninhabited. The population of Sind is also too small for a separate province. It has at present a population of 3,279,377. For a province so small as regards both area and population a separate Government would be a great extravagance. There is not enough work for a Governor and three Ministers. Apart from the quite unjustifiable expense of a Cabinet of at least three,—possibly four,—and a Secretariat (as against the present administration by a Commissioner assisted by one junior I. C. S. officer and three Deputy Collectors), the province would also have to provide full-time experts in almost every department. At present Sind enjoys the control or advice of a large number of experts such as the Settlement Commissioner, the Inspector General of Registration, the Director of Public Instruction, the Surgeon General, the Inspector General of Police, the Inspector General of Prisons, the Chief Engineer for Irrigation, the Chief Engineer for Roads and

(Territorial Changes)

Buildings, the Consulting Surveyor and Sanitary Engineer, the Director of Public Health, the Chief Conservator of Forests, the Director of Agriculture, and the Consulting Architect. Sind could not afford such a staff of senior officers. On the other hand, the loss of their advice or control would be an incalculable disadvantage. There would also be serious difficulties about maintaining small cadres in the various services. There are not likely to be more than ten districts in Sind even after the Barrage starts working and there will be great difficulty in maintaining the small cadres which the province would require.

For the reasons given above, the Government of Bombay are strongly against the separation of Sind. They have not yet been able to examine thoroughly the financial aspect of the question. Such an examination would require much more time than is at present available. If the Statutory Commission desire that such an examination should be made, the Government of Bombay are prepared to arrange for it. One Member and one Minister are in favour of separation.

The Legislature

3. In considering the questions of the electorates and the franchise, the Government have not discussed the claims made by the different communities regarding representation. These claims have been placed before the Commission by the communities themselves in their representations. Under the present franchise 4·03 per cent. of the total population of the Presidency is entitled to vote. The minimum age for electors to provincial councils is 21. Figures for the total population over 21 years of age, are not, however, available, but the Census returns show the population of 20 years of age and over. From these figures it appears that the percentage of male voters to the total male population over 20 years of age is 13·40. The percentage of female voters to the total female population of 20 years of age and over is 0·79 and the percentage of voters to the total population over 20 years of age is 7. When the Franchise Committee worked out their proposals in 1919, they estimated that on the electoral qualifications fixed by them 3·3 per cent. of the total population would be enfranchised. The present position is, therefore, only a very slight advance on that of 1920. The electoral qualifications are at present fairly high, especially in the rural areas, but even with the present qualifications it has been estimated on a rough calculation that only about two-thirds of the electors are literate. In fixing the present electoral qualifications the considerations which the Franchise Committee had in mind were to get an electorate sufficiently large to be considered representative of the whole presidency and at the same time sufficiently intelligent to exercise the vote properly. It cannot be said that during the period since the introduction of the Reforms there has been any such change in the educational and economic condition of the people as would render a lowering of the franchise either desirable or necessary. No representations for lowering the franchise have been

(The Electorate and the Franchise)

received by Government since the introduction of the Reforms. Another important consideration which has led the Government of Bombay to oppose any lowering of the franchise is the desirability of not lowering the franchise for the Legislative Council below that for district local boards and the Bombay City Municipality. Any such lowering would result in the enfranchisement of large masses of the population who would not only be illiterate but would also have the additional disadvantage of never having had any experience in the administration even of local affairs. In Bombay City, which alone accounts for one-seventh of the total electorate of the Presidency, the electoral qualification for the Council is practically the same as that for the municipality. In the rural constituencies the electoral qualification for the Council is practically the same as that for district local boards.

4. The only ground on which a lowering of the franchise can be recommended is that under the existing franchise certain classes of the population, especially the depressed classes and the labouring classes, are very inadequately represented. The Government of Bombay fully realise the importance of fair representation of both these classes and consider that this is one of the important questions which the Commission will have to face when considering the questions of electorates and franchise.

If the powers which the Government of India Act has conferred on the people are to be properly exercised, it is absolutely necessary to secure an intelligent electorate capable of understanding the value of the vote. The necessity will become all the greater if further powers are to be given to the people. For these reasons the Government of Bombay are strongly of opinion that the existing franchise should not be lowered. One Member and one Minister dissent from this view.

5. Two members of the Government advocate the introduction of a system of indirect elections and have put forward certain suggestions in this direction for the consideration of the Commission. These suggestions are given below. They urge that the history of European countries shows that wherever there has not been autocracy, the widening of the franchise for their legislative bodies has been gradual, and according to the percentage of literacy as compared to the population. In their opinion the aim ought to be to grant the franchise to such as can use it to the best interests of the country. The percentage of illiteracy in itself cannot be an argument against further reforms. But to give further powers to a Legislative Body elected on a franchise broad-based on principles and ideas now prevalent in Europe would be suicidal for a country in the position of India. Not even the most backward countries of Europe, such as Spain and Portugal, have anything like the low percentage of literacy that prevails in this Presidency to-day. In England at the time of the first Reforms Bill of 1832, only 3 per cent. of the population got the franchise. Between 1832 and 1867, the number increased

(Indirect Elections)

to 4·5 per cent. ; while in the Presidency by the last Reforms 4·03 per cent. of the population was enfranchised. The percentage of literacy in England in the years 1841-45 was 67·4 per cent.

AT THE PRESENT
TIME THE PERCENTAGE
OF LITERACY IN THE
PRESIDENCY IS 15·7
AMONG MEN, AND 2·7
AMONG WOMEN.

among men, and 51·1 among women. Since the percentage of literacy in this Presidency has not appreciably increased within the last ten years, the grant of full responsible government to a popularly elected Assembly must be accompanied by the raising of the franchise if the social, moral

and material progress of the people is to be secured. Such large powers cannot be given to an illiterate mass of people in the expectation that they will use those powers with discretion. If under such conditions the Reformed Constitution fails, it will not be the fault of the people. It will be the fault of the framers of the Constitution. Under present conditions arguments in favour of raising of the franchise are not likely to receive support either in England or India. It is, therefore, necessary to consider other methods. The best course to adopt appears to be to maintain the existing franchise and to resort to indirect elections to the Legislatures, that is, through Electoral Colleges. It will be admitted that this method produced a satisfactory class of legislator during the pre-reforms days. The members of the Municipalities and District Local Boards then elected a certain number of delegates on a population basis. These delegates formed Electoral Colleges, which elected members to the Legislative Council. In 1918, there were 868 members in all the Municipalities in the four Divisions of the Bombay Presidency. The population in all the Municipal areas was 23 lakhs. There being one delegate to ten thousand of the population, there were 230 delegates. These 230 delegates formed four separate electoral colleges which elected one member each to the Legislative Council. Each Electoral College, therefore, must have consisted of about 57 members. The Southborough Committee did not allot the number of seats for each constituency on a population basis, nor in proportion to the number of electors in each constituency. They took several factors into consideration before deciding the number of seats. It is possible that in the future there may be some changes in the number of seats assigned to each constituency. Therefore the most convenient way of deciding the size of the Electoral Colleges would be to decide upon a multiple of each seat. Following the lines of the Electoral Colleges that existed before the Reforms, a multiple of 50 may be tentatively fixed. Thus in Bombay City North and South, the non-Mohamedan Electoral Colleges will consist of 150 members each ; while the Mohamedan Electoral College will consist of 100 members. Again in Bombay City North and South, there will be 284 and 367 electors to each member of the Electoral College ; while in the Mohamedan constituency, there will only be 144 electors to one member of the College. Such variations will exist in all the constituencies since the number of seats allotted to each constituency was decided after considering the circumstances of each constituency. It must be assumed that the allotment of seats will be

(Indirect Elections)

just and equitable; but should any redistribution of seats become necessary, the number of members of the Electoral Colleges will also change accordingly. As regards the method of election to the Electoral Colleges, the following proposals might be considered. The present constituencies should be divided up into a convenient number of sub-constituencies. In large towns the Municipal wards might each form a sub-constituency; or where the wards are very large, they could be split up into several constituencies. In towns it would not be essential to have a separate sub-constituency for each member of the Electoral College; it would probably be more convenient that each sub-constituency should elect some 5 or 10 members to the College. But in the mofussil the number of sub-constituencies should equal the number of persons to be returned to the Electoral College, the object being to secure that the person returned to the college is a man known to the electorate. The interests of the mofussil electors are almost entirely confined to their villages; they seldom go beyond their Taluka. If the electors of a single large village or of a group of smaller villages are able to return one of their own residents to the Electoral College, we may expect to get as members of the college men who possess the confidence of the electors; men locally prominent, who will be really representative of the country-side. Such men will be able to exercise their vote in the Electoral College with a sense of responsibility, and a fuller knowledge of what they are doing than can be expected in the case of the original voter. A candidate for election to an Electoral College should be required to be a resident of the sub-constituency for which he stands; also his name must be on the electoral roll. Candidates for election by the College to the Legislative Council should not be required to possess any residential qualification; but their names would have to be on the electoral roll. Electoral Colleges should be elected every three years, about three months before the general election. To avoid having a number of elections to fill up vacancies in the Electoral Colleges, 55 members should be elected in each constituency of one seat and in the same proportion for constituencies of more than one seat. The Electoral College should consist of 50 members and the last 5 members should be kept as a reserve to fill up vacancies during the life of the Electoral College. Whether the Mohamedans are given separate electorates or not, the proposal for Electoral Colleges will remain unaffected. If there are to be separate electorates there will, of course, be separate Electoral Colleges. If there is a joint electorate, a certain number of seats on the Electoral College will have to be reserved for Mohamedans in accordance with the number of seats reserved for that community on the Legislative Council. In some constituencies at present one seat has been reserved for Mahrattas. Where such reservation is to continue, the reservation of a certain number of seats in the Electoral Colleges in proportion to the number of electors in the constituency will be necessary. When it comes to considering the representation of the depressed classes, various difficulties appear. The depressed classes having no education, wealth or influence, are not represented on

(Indirect Elections)

the electorates in proportion to their population. There are only two constituencies in the whole of the Presidency in which they seem to be at all adequately represented. In Ahmedabad city, out of an electoral roll of 35,668, they have got 3,100, and in the Ahmedabad District Rural, out of an electoral roll of 21,514, they have got 3,724. Their total population in the whole Presidency is 1,478,390, which entitles them to six out of the 75 seats which are at present allotted to general constituencies. Their main centres of population appear to be as follows :—

		Population	No. of voters
Bombay City	..	135,634	239
Ahmedabad district including the city	..	108,773	6,800
Poona District including the city	..	122,126	169
Sholapur district	..	117,516	979
Satara district	..	129,753	215

It will be seen that there is no comparative relation between the population and the electoral strength. Unless the franchise is to be changed there would appear to be no alternative to giving the depressed classes representation according to their present electoral strength. The number of depressed class voters in the three Divisions of the Presidency proper are as follows :—

Northern Division	..	..	9,043 voters.
Central	..	..	2,882 „
Southern	..	..	1,216 „

There should be three separate constituencies comprising the three Divisions, 2 seats being allotted to the Northern Division and one to the Central and Southern Divisions alternately. Bombay City, which has only 239 voters, should be added on to the Northern Division. The principle of indirect election should apply to the depressed classes. Each of the Divisions would elect an Electoral College of 50 members for one seat. Thus the Northern Division would have an Electoral College of 100, while the other two of 50 each. Labour may, to some extent, be represented by the candidates elected by the Depressed classes; but such representation will not satisfy labour leaders. It is impossible to devise separate constituencies for labour, because the population is a shifting one, and the difficulty of defining a labourer for the purposes of a special franchise is insuperable. The following suggestion is put forward for the representation of labour. After a Council has been elected, if, in the opinion of the Governor, three labour members (or such higher number as may be determined hereafter) have not been returned, the newly elected Council should co-opt additional representatives to make up the required number. Persons co-opted must be approved by the Governor as representing labour. The question of Indian Christians requires consideration. Their total population in the Presidency is only 220,000, out of which about one lakh are in the city of Bombay, the Bombay Suburban District and in the Thana District. The rest are spread over the Presidency. The constitution of a separate constituency

(Indirect Elections)

consisting of the city of Bombay, Bombay Suburban District and Thana District with one or two seats in the Legislative Council is suggested. There should be an Electoral College of 50 or 100, which should be elected by those residing in the Bombay City according to the Bombay City franchise, and those in the districts according to the District franchise. Anglo-Indians are at present being represented by nomination. It is suggested that a constituency might be formed for them in the city of Bombay.

DIRECT ELECTIONS
IN CERTAIN CONSTI-
TUENCIES.

6. In the following constituencies, direct elections are suggested :—

1. The Bombay City European.
2. Bombay Presidency European.
3. Jagirdars and Zamindars.
4. Bombay University.
5. Deccan Sardars and Inamdars.
6. Gujerat Sardars and Inamdars.
7. Bombay Chamber of Commerce.
8. Karachi Chamber of Commerce.
9. Bombay Trades Association.
10. Bombay Millowners' Association.
11. Ahmedabad Millowners' Association.
12. Indian Merchants' Chamber.

7. The grounds on which the authors of the Joint Report agreed to the provision of separate communal electorates for Muhammadans are set out in paragraphs 227-231 of the Report. They stated that they regarded any system of communal electorates as a very serious hindrance to the development of the self-governing principle. They were, however, faced with the hard facts that the Muhammadans had been given special representation with separate electorates in 1909 and that the creation of separate electorates had at the time of the report the consent of the Hindus. They, therefore, came to the conclusion that much as they regretted the necessity, the system of communal electorates for Muhammadans which had existed up to then must be maintained until conditions altered. They added that they saw no reason to set up communal representation for Muhammadans in any province where the Muhammadans formed a majority of the voters. The two considerations which specially weighed with them in coming to this conclusion were (1) that separate electorates had been promised to the Muhammadans by Lord Minto and Lord Morley in 1906 and 1909, and (2) that the Hindus and Muhammadans had come to an agreement as regards them at the Lucknow Congress of 1916.

At the 31st session of the Indian National Congress held at Lucknow in December 1916 a scheme of reforms was outlined as a step towards

(Communal Electorates for the Muhammadans)

self-government. The same scheme was adopted by the All-India Muslim League at its meeting in the same month. Clause 4 of that scheme provided that :—

"4. Adequate provision should be made for the representation of important minorities by election; and the Muhammadans should be represented through special electorates on the provincial legislative councils in the following proportions :—

Punjab ..	one-half of the elected Indian members.
United Provinces ..	30 per cent. of the elected Indian members.
Bengal ..	40 per cent. "
Behar ..	25 per cent. "
Central Provinces ..	15 per cent. "
Madras ..	15 per cent. "
Bombay ..	One-third "

In 1917 the Government of India obtained the views of all local Governments on the constitutional reforms contemplated. The question of communal electorates was dealt with among others. In paragraph 16 of their letter No. 248-R of the 11th December 1917 the Government of India stated :—

"The inquiry suggested in the last paragraph (about electoral qualifications and the size of electorates) may also throw light upon the difficult question of separate electorates for particular communities or classes. Upon this there is much diversity of opinion between provinces. But most local Governments have proposed special electorates for chambers of commerce, the Indian commercial community, the Universities and certain of the landed classes; while communal electorates are proposed for Muhammadans in Behar and Orissa, Bengal and Bombay and for Sikhs in the Punjab. Several other requests for separate representation have since been received from other communities. The United Provinces Government alone takes the view that, in spite of the pledges given to the Muhammadans in 1906 and reiterated since, the institution of separate electorates for religious and special interests is entirely foreign to the spirit of responsible government, and ought not to be perpetuated."

The views of the Bombay Government on the question are given in paragraph 11 of their letter No. 1416/75-Confidential of the 21st February 1918. They stated that communal representation was not acceptable to them, but for the transition period separate Muhammadan representation was accepted.

The question of communal electorates was further examined by the Franchise (Southborough) Committee. They stated in paragraph 15 of their report :—

"The joint report (paragraphs 231 and 232) recognises the necessity for the communal representation of Muhammadans in provinces where they did not form a majority of the electorates. The evidence received by us and the opinions of local Governments concerned were almost unanimous in favour of this course. In all provinces, except Bengal and the Punjab, the Muhammadans are in a minority as regards both population and electors. In Bengal and the Punjab where Muhammadans form a majority of the population our rough estimates show that they form a minority of electors. There was very general agreement in favour of communal representation for Muhammadans in those provinces as well as in the rest of India, and the local Governments urged the same step. Both Hindus and Muhammadans are thus in substantial agreement that the latter should everywhere enjoy communal electorates, and we have no hesitation in recommending that effect should be given to this common desire. We have consequently provided for the preparation of separate Muhammadan and non-Muhammadan electoral rolls and for separate Muhammadan constituencies. In allocating the proportion of Muhammadan and non-Muhammadan seats, we have been generally urged to follow the agreement reached by the political representatives of the two parties at the joint session of the Indian National Congress and All-India Muslim League held at Lucknow in December 1916, referred to in paragraph 163 of the joint report, under which certain proportions were

CHAPTER X—PROPOSALS

(Communal Electorates for the Muhammadans)

fixed for the amount of Muhammadan representation in the provincial and imperial legislative councils. The great majority of Indian witnesses and the representatives of associations, political and non-political alike, not excluding those in which Hindu interests preponderate, adhered to this compact, and it seems to us that any departure from its terms would revive in an aggravated form a controversy which it has done much to compose. In the provinces of Bombay, Bengal, the United Provinces, the Punjab, and Bihar and Orissa, the local Governments recommended us to adhere to the compact, whilst the Madras Government provided in the first of its alternative schemes approximately the proportion of Muhammadan representation which the compact fixed. In the interests of India as a whole, we have, therefore, felt ourselves amply justified in accepting the compact as a guide in allocating the proportion of Muhammadan representation in the Councils."

The views of the Government of India on the recommendations of the Southborough Committee with regard to communal electorates are given in paragraphs 18 to 24 of their Fifth Despatch on Indian Constitutional Reforms. They state :—

"We feel the objections of principle to the communal system as strongly as the authors of the Reforms Report, but see no advantage at this stage in reiterating them. India is not prepared to take the first steps forward towards responsible government upon any other road. The road does not lead directly to that goal, and we can only echo the hope expressed by the Committee that it will be possible at no distant date to merge all communities in one general electorate."

The Reforms Enquiry Committee of 1924 were of opinion that the abolition of communal electorates was at that time out of question, but they were entirely opposed to the extension of the principle any further.

The position, therefore, is that communal electorates were accepted in 1920 and have been continued since then because the Muhammadans insisted on them relying specially on the assurances given to them by Lord Minto in 1906 and by Lord Morley in 1909 and because of the agreement between Hindus and Muhammadans in 1916.

The Bombay Electoral Rules provide for 27 Muhammadan seats out of a total of 86 elected seats. Of these 86 seats, 11 are allotted to special constituencies, leaving 75 seats for general constituencies. The Muhammadans who form 19·6 per cent. of the total population of the Presidency (3,775,098) have thus 31 per cent. of the elected seats.

A hope was expressed by the Government of India and by other Governments including the Bombay Government in 1919 that the people might have grown out of the necessity of such electorates by the end of the ten years' period. This hope has not been realised. Communal dissensions are worse now than they were in 1919. There have been conscientious efforts on both sides to come to an agreement on the question. At the meeting of the Congress in Madras in December 1927, it was resolved that there should be joint electorates in all the provinces and for the central legislature, minorities being given special protection by the reservation of seats and that there should be a redistribution of provinces on a linguistic basis, a beginning being made by constituting Andhra, Utkal, Sind, and Karnatak into separate provinces. In December 1927 there was a split in the All-India Muslim League. At the meeting of one section of the Muslim League at Calcutta in December 1927 under the presidentship of Moulvi Muhammad Yakub the resolution of the Madras Congress was practically accepted. On the other hand, at the meeting

(Communal Electorates for the Muhammadans)

of the other section of the League held at Lahore under Sir Mahmud Shafi's presidentship, the separation of Sind was demanded, but the retention of separate electorates for Muhammadans was insisted on. The Hindu Maha Sabha insisted on the abolition of separate electorates but objected to the separation of Sind.

It is difficult to express a very definite opinion as to how separate electorates for Muhammadans have worked. The majority of the Government, two members dissenting, hold the view that separate electorates have accentuated ill-feeling between the two communities. This is what one would ordinarily expect. So long as such electorates exist, candidates of either side make no effort to, and have no inducement to, understand and meet the views of the other side. The Muhammadans' fear that they would not be elected at all in joint electorates is a very genuine one. But reservation would to a considerable extent at least meet this difficulty.

Any change in the direction of abolishing separate electorates must, however, be based on agreement between the two communities, and cannot be forced on the Muhammadans against their wish. The question is also an All-India one and can hardly be dealt with on different lines for each presidency. The Government of Bombay adhere to the view which they had expressed in 1918 that communal electorates are not acceptable to them and that their abolition is desirable, if it can be secured with the consent of both parties as in the case of the Lucknow Pact.

8. In the present Council seven seats are reserved for the Marathas,—one in Bombay City (North), one in the Thana and Bombay Suburban Districts, one in Ahmednagar, one in Nasik, one in Poona, one in Ratnagiri and one by rotation in the districts of Sholapur, Kolaba and West Khandesh. The population and voting strength of the Marathas in each of these nine districts are given in the following statement :—

District (including Bombay City, North constituency)	Total population of the constituency	Total Maratha population	Total number of voters on electoral roll of 1926	Total number of Maratha voters	Number of seats
Bombay City (North)	618,781	400,949 (for Bombay South and North)	42,774	6,051	8
Thana and Bombay Sub-urban	868,502	399,856	30,070	14,910	2
Ahmednagar	693,816	469,322	17,204	13,615	2
Nasik	786,118	453,430	21,070	15,448	2
Poona	782,046	645,598	12,217	9,764	2
Ratnagiri	1,073,253	823,840	21,594	13,794	2
Sholapur	686,168	413,915	12,825	7,273	1
Kolaba	534,588	367,656	14,328	10,280	1
W Khandesh	561,326	223,679	19,302	8,547	1

(Reservation of seats for the Marathas)

The grounds on which the Government of Bombay recommended the reservation of seats for Marathas in 1919 were that they formed a distinct and important part of the population of the Presidency and supplied a valuable element to the Indian army; that while their number and importance made it desirable that they should be represented, they were so subject to Brahmin influence that even where they commanded a majority of votes, they would be unable to return their own representatives.

The Joint Select Committee had recommended that seats should be reserved for the Marathas in this Presidency and had advised that in default of agreement between Marathas and non-Marathas the number of seats to be reserved and the places in which they were to be reserved should be decided by an independent arbitrator. Attempts to secure agreement proved fruitless and Sir John Heaton, late Judge, Bombay High Court, was appointed arbitrator. He proposed the reservation of 8 seats,—2 in Bombay City, one in each of the districts of Poona, Ahmednagar, Ratnagiri, Thana and Nasik and one by rotation in Sholapur, Kolaba and West Khandesh. The Government of Bombay took exception to the reservation of two seats in Bombay, and their objection was upheld by the Joint Select Committee, with the result that only one seat in Bombay was finally given to the Marathas. One interesting feature of Sir John Heaton's award was that as reservation was an experimental device, the arbitrator considered it desirable to leave to absolutely free election one plural-member constituency with a majority of Maratha population. The Satara District non-Muhammadan Rural Constituency was selected for this purpose. It is, therefore, necessary to see what the result of this experiment has been at the last three general elections to the Bombay Legislative Council.

District	Total population	Total Maratha population	Total No. of voters	Total No. of Maratha voters	No. of candidates nominated in			No. of candidates selected in		
					1920	1923	1926	1920	1923	1926
	1,026,259	729,031	21,533	15,236	Non-Maratha 2			Maratha 1 Non-Maratha 2*		
Total ..								3 3		

*Note.—One of these, Khan Bahadur Cooper, though a Parsee, was put up as a candidate by the non-Brahmin party.

It will be seen that the Marathas have about 72 per cent. of the total voting strength of the constituency in the Satara District. They have been able to secure the election of one representative of their own community at each of the three elections, and of the Parsi candidate referred to above in two elections. In the Ahmednagar district they form 76 per cent. of the electorate; in the Nasik district 73 per cent., in the Poona district 75 per cent., in the Ratnagiri district 62 per cent. and in the Kolaba district 71 per cent.

(Strength and composition of the Legislative Council)

9. The Bombay Legislative Council at present consists of 114 members of whom 86 are elected and 28 (including the four Members of the Executive Council) are nominated. Of these 28, not more than 16 may be officials. Eight must be non-officials, one of whom must be a representative of the Anglo-Indian community, one of the Indian Christian community, three of the labouring classes, two of the depressed classes and one of the cotton trade. The Government of Bombay are not in favour of retaining the nomination of officials to the Council. They are also strongly of opinion that the Council should be an elected one.

The Hindus of Sind have repeatedly urged that the representation at present given to them in the Legislative Council is very inadequate. The non-Muhammadian population of Sind is 873,354 with a voting strength of 67,086. Only three seats are allotted to it at present. The population and voting strength of the existing three non-Muhammadian constituencies of Sind are as follows :—

Constituency	Population	Voters	Seats
Western Sind	314,112	25,240	1
Eastern Sind	442,795	23,789	1
Karachi City	116,447	18,057	1

The plan adopted by the Franchise Committee in framing the constituencies was to merge the smaller towns into rural constituencies. But in the case of the Sind non-Muhammadian constituencies even large municipalities such as Hyderabad, Shikarpur and Sukkur with populations respectively of 81,838, 35,503 and 40,737 have been merged in rural constituencies. For this reason it is in respect of the two rural constituencies of Eastern and Western Sind that the amount of representation is particularly inadequate. These have been allotted only two seats, that is, one seat for 378,453 of population and for as many as 24,514 voters. The number of square miles per seat in the different constituencies is as follows :—

Constituency	No. of sq. miles per seat
Non-Muhammadian Rural constituencies of Presidency proper	2,330
Muhammadian do. do.	8,543
Muhammadian Rural constituencies of Sind	3,571
Non-Muhammadian do.	23,123

The vast extent of the area to be covered by a representative of a non-Muhammadian constituency in Sind militates against the training of the electorate and as compared with the representatives of other constituencies constitutes a considerable handicap. The Government of Bombay recommend that the representation of the non-Muhammadans in Sind should be increased by the provision of two more seats for them. The

(Strength and composition of the Legislative Council)

three non-Muhammadan constituencies of Sind, namely, 1 i City.
Eastern Sind and Western Sind may be regrouped into 1/2 City.
follows :—

Constituency	Population	Voting strength under present franchise	No. of seats to be allotted
Karachi City and district ..	155,914	19,871	1
Sukkur and Upper Sind Frontier Districts.	176,238	17,097	1
Hyderabad District ..	161,674	15,513	1
Larkana District ..	98,407	6,329	1
Nawabshah and Thar Parkar districts ..	281,121	8,276	1

In the present Council three seats are provided for the landholders of the Presidency, one for the Deccan Sardars and Inamdars, one for the Gujarat Sardars and Inamdars and one for the Jagirdars and Zamindars of Sind. The constituency of the Deccan Sardars and Inamdars includes the landholders of both the Central and Southern Divisions. The total electorate for the constituency is 517. Of these, 312 are from the Central Division and 205 from the Southern Division. Owing to the small number of electors in the Southern Division, a landholder of that Division has very little chance in the election against candidates from the Central Division. The Government of Bombay recommend that an additional landholders' constituency may be created for the Southern Division and one seat allotted to it.

There is one other question in connection with the constituencies to which the Government of Bombay would like to make a reference. It involves no change in the number of constituencies. The Muhammadans of the Presidency proper have repeatedly complained that the three divisional constituencies are unduly large and are on that account open to several objections. The Muhammadans of the Central Division have at present four seats allotted to them; three are allotted to the Central Division Muhammadan rural constituency comprising all the seven districts of the Central Division; one urban seat is allotted to Poona and Sholapur cities jointly. The Northern Division Muhammadan rural constituency comprises the six districts of the Northern Division and has three seats allotted to it. One urban seat is allotted jointly to the cities of Ahmedabad and Surat. The Southern Division Rural constituency comprises the six districts of the Southern Division and has three seats allotted to it. The disadvantages of this arrangement both to candidates and to voters have been repeatedly pointed out by the Returning Officers of the constituencies and by the Muhammadans themselves. The enormous size of the constituencies makes canvassing very difficult and expensive for the candidates. The electors and their representatives cannot be in sufficient touch. The most serious disadvantage is that as six or seven districts are grouped together into a single constituency, districts like Ahmedabad and Broach in the Northern Division, East Khandesh and Poona in the Central Division and Dharwar in the Southern Division which have the largest Muhammadan population and

(Strength and composition of the Legislative Council)

voting strength practically monopolise the seats. The Government of Bombay, therefore, recommend that these constituencies may be split up without increasing the total number of seats allotted to the Muhammadans.

The allotment of seats to the non-Muhammadan constituencies in the Presidency is not very satisfactory as will be apparent from Appendix "A" to Chapter VIII. The inconsistencies and anomalies are to some extent inevitable and cannot be entirely remedied, but some re-arrangement of seats between the districts and some increase in the number of seats allotted to certain constituencies is desirable. This cannot, however, be done except after detailed investigations for which probably a separate committee will have to be appointed.

10. Rule 6 (1) (b) of the Bombay Electoral Rules provides that no person shall be eligible for election as a member of the Council to represent a general constituency unless he has, for the period of six months immediately preceding the last date fixed for the nomination of candidates in the constituency, resided in the constituency or in a Division any part of which is included in the constituency. This condition was prescribed on the recommendation of the Government of Bombay. There have been, from the first, strong differences of opinion as to the necessity or otherwise of a residential qualification. The Government of Bombay insisted on such a qualification on the ground that it would secure the election of persons with intimate knowledge of local conditions and really representing local interests. It was thought that the election of outsiders, which was likely in the absence of such a qualification, would deprive the franchise of much of its educative value. The existence of such a qualification was also expected to check to some extent the undue preponderance of particular classes (especially lawyers) in the Councils. The Southborough (Franchise) Committee resolved by a majority to impose a restriction in Bombay, the Punjab and the Central Provinces but not elsewhere. The restriction imposed by the residential qualification has been the subject of much correspondence and discussion since it was prescribed. As early as April 1920, the Western India National Liberal Association made a representation to the Secretary of State stating that the adoption of the residential qualification in the province of Bombay,—one of the most progressive provinces in India,—involved very real and serious drawbacks calculated to retard the healthy growth of political life under the new regime and that it will bear with special hardship on backward communities. The question was the subject of correspondence between the Government of Bombay and the Government of India in 1921, when it was again considered by the Government of Bombay who decided to retain the provision. It was also the subject of questions and resolutions in the local Legislative Council which suggested that the restriction should be removed. The necessity or otherwise of retaining the qualification has been again considered by the Government

RESIDENTIAL
QUALIFICATION FOR
MEMBERS OF THE LE-
GISLATIVE COUNCIL.

(Privileges of members of the Legislative Council)

of Bombay. They are, however, unable to come to a unanimous decision on it. The majority are in favour of retaining the qualification, while a minority of members and Ministers are in favour of its abolition.

11. The only privilege which members of the Legislative Council have at present is that of freedom of speech conferred by Section 72D of the Government of India Act. The Government of Bombay are of opinion that in addition to this privilege members of the legislature should be exempt from sitting as jurors or assessors in criminal trials and should be granted immunity from arrest and imprisonment for civil causes during the sessions of the legislature and for periods of a week immediately preceding and following actual meetings.

PRIVILEGES OF MEMBERS OF THE LEGISLATIVE COUNCIL.

The question whether the courts of law have power to intervene in matters pending before the Legislative Council is not free from doubt. Cases have occurred both in this Presidency and in the other presidencies in which applications have been made to the courts for intervention. In 1926 certain members of the Legislative Council made a petition to the High Court for a writ of mandamus on the Finance Member for the removal of the items relating to the sumptuary allowance and tour expenses of the Governor from the list of non-voted items in the budget. The members did not ultimately prosecute the petition further and the rule granted by the High Court was discharged. One of these members afterwards filed a suit against the Secretary of State in the District Court of East Khandesh in the same matter, but the suit was not afterwards proceeded with. In order to prevent such litigation and to place the matter beyond doubt, the Government of Bombay recommend that express provision should be made by legislation barring courts from premature interference with the Presidents of the Councils or with proceedings pending in Council.

The Provincial Executive

12. The Government of Bombay are, as has been already stated, of opinion that the Legislative Council for this Presidency should be entirely elected. The presence of nominated official members in the Councils has been largely responsible for the absence of well-organised ministerial parties. The Government of Bombay recommend, therefore, that in the future Councils there should be no official nominated members.

THE PROVINCIAL EXECUTIVE: TRANSFER OF FURTHER SUBJECTS TO THE CONTROL OF MINISTERS.

They are strongly of opinion that under the present system sufficient responsibility is not given to the Ministers and members of the Legislative Council in relation to their powers even with regard to transferred subjects. They anticipate that in an elected Council this responsibility will be a real one and that the Council will effectively control the action of Ministers.

(The Provincial Executive)

13. The Government of Bombay have already dealt with the working of the system of Government at present in force in Chapter VIII (The Executive and Administration) and have expressed the opinion that the working of the system both in the reserved and transferred departments has not been unsuccessful. **GOVERNMENT OF BOMBAY'S OPINION ON THE WORKING OF THE PRESENT SYSTEM ALREADY GIVEN IN CHAPTER VIII.**

Dyarchy, however, as has been admitted by its authors, has obvious defects, and the Government of Bombay are strongly of opinion that it should be wholly discontinued if this is found possible.

14. They have already expressed the opinion that the Legislative Council for this Presidency should be entirely elected. It is obvious that at any rate during the first few years certain safeguards would be necessary if all departments of Government are to be transferred to the control of such an elected Council. In the opinion of this Government there are three alternative methods by which such safeguards could be provided.

15. If it is decided to transfer all departments to the control of an elected Council, the Government of Bombay recommend that in place of the present system of four Members of Council in charge of the reserved departments and three Ministers in charge of the transferred departments, a unitary Government should be set up, making no distinction between reserved and transferred subjects, with a Cabinet consisting of five Members chosen from the elected members of the Legislative Council. The members of the Government should be chosen by the Governor, but in order that the system of joint responsibility may be introduced in the Government, there should be a Chief Minister who should submit the names of the other four ministers for the approval of the Governor. The Members of the Cabinet should be appointed for the lifetime of the Council and should be removeable only by the Governor or by a vote of no-confidence carried against the Government in the Council after due and adequate notice that such a motion is to be moved. The Government of Bombay recommend that the salaries of the Ministers and of the President of the Council should be fixed by an Act of the local Legislature, so that it would not be possible for the Legislative Council to reduce them without an amendment of such Act.

16. One method of providing the necessary revisory control over a Government constituted as proposed above would be to give the Governor such powers of certification and veto as are necessary. **POWERS OF CERTIFICATION AND VETO OF GOVERNOR.** The Government of Bombay are, however, of opinion that it would be inadvisable to place such large powers in the hands of any one individual, nor would it be fair to any single man to have such responsibility placed on his shoulders.

(The Provincial Executive)

17. Another alternative which is favoured by some members of the Government is to bring into being a Governor's Council which should be presided over by the Governor and which should consist of four members—two Indian and two European. These members should preferably be nominated by the Governor and should hold office for a period of five years. The duties of this Governor's Council would be to act as a Second Chamber or Upper House with full powers of revision. They would not have the power of veto, but would have the right to refer back to the Legislative Council any Bill or portion of a Bill with which they were not in agreement and would at the same time be given authority to defer action being taken by any Minister or by the Cabinet as a whole on any matter so referred back. Such power of referring back should not be exercised more than once with regard to the same proposal. As considerable difference of opinion exists among the Members of the Government of Bombay about the advisability of immediately transferring the subjects of Law and Order and of Land Revenue to an entirely elected Council, it is suggested if this system is adopted, that with regard to these two subjects, the Governor's Council should have certain rights of direct control. In the event of disagreement between the Legislative Council and the Governor's Council on all subjects in any department except the departments of Law and Order and Land Revenue, the opinion of the Legislative Council should be final, although, as already stated, the Governor's Council should have the right to refer back to the Legislative Council questions affecting all departments with recommendations as to action which should be taken. But with regard to the departments of Law and Order and Land Revenue, in the event of a similar difference of opinion arising, the decision of the Governor's Council should be final and binding on the Legislative Council.

The Governor's Council should also be responsible for safeguarding the rights of existing members of the All-India Services and all members of such services should have the right of direct appeal to this Council. It is not suggested that the members of this Council should receive the same remuneration as is now paid to members of the Executive Council.

18. The third alternative is the constitution of a Second Chamber. The Government of Bombay realise that possibly there may be some difficulty in finding a sufficient number of persons of the necessary standing, education and experience to form a useful and effective Second Chamber, and that perhaps the Upper House may draw away from the Lower House some men of standing and experience. They would suggest that this Second Chamber might be constituted so as to consist of from 30 to 40 non-official members, two-thirds of whom should be elected and one-third nominated by the Governor. The franchise for the Upper Chamber might advantageously

A GOVERNOR'S
COUNCIL TO ACT AS A
SECOND CHAMBER
WITH FULL POWERS
OF REVISION.

CONSTITUTION OF A
SECOND CHAMBER OF
ELECTED AND NOMI-
NATED MEMBERS.

(The Services)

be similar to that of the present Council of State. The Upper House would then consist of persons having a high property qualification or large commercial interests or experience of work in the Legislative Council or in municipalities and local boards or high academic qualifications. Persons eligible for nomination as candidates should be above 30 years of age.

The Upper House should be given the same powers in matters of legislation as the Lower House and the assent of both Houses should be necessary for the passing of any legislation. Where a bill which has been passed by one Chamber is not within a specified period passed by the other Chamber either with or without amendments or with such amendments as may be agreed to by the two Chambers, the bill may be referred for decision to a joint sitting of both Chambers.

Some members of Government are in favour of the Upper House being given certain special powers as regards the subject of Law and Order; some others would extend such powers to Land Revenue also. In all questions, whether legislative or financial, dealing with these two subjects, they would provide that the decision of the Upper House in all cases of difference of opinion between it and the Lower House should prevail. The Budget should be placed before the Lower House. The power of assenting or refusing assent to any demands other than those relating to Law and Order and Land Revenue, or of reducing them, should be vested in the Lower House only. Demands relating to Law and Order, and Land Revenue, as the case may be, should be placed before the Upper House also, and should be voted on by it.

The term of office of members of the Upper House should be longer than that of members of the Lower House. The term of office of members of the Lower House should be fixed at four years and that for members of the Upper House at five years.

19. With regard to the position of the Services, the Government of

THE SERVICES. Bombay are of opinion that the suspicions and

fears that were entertained in 1920 about the treatment of the existing members of the Imperial Services have largely disappeared. It is nevertheless desirable to provide proper safeguards for the fair treatment, security and support of the Services. Existing members of the All-India Services should continue to enjoy the protection of the Secretary of State which they have at present. It is agreed that the recruitment of Europeans will still be necessary even after the transfer of all the present reserved subjects. The future recruitment, whether of Europeans or of Indians, for the higher services should be by the Public Services Commission, the new recruits being distributed to the Provincial Governments according to their requirements. The Government of Bombay are anxious to avoid the danger of undue interference by the Legislative Council or its members in the cases of individual officers. Without some safeguards in this matter, such as are mentioned below, Government servants will, it is feared, have insufficient security

(Emergency powers of the Governor)

of tenure and the efficiency and independence of the public services and the recruitment to them will be seriously affected. This danger has already to some extent become evident in municipal and local board administration.

20. If an Upper Chamber is constituted, the necessity of the special powers of vetoing and certifying which are at present vested in the Governor will to a large extent disappear. It will still, however, be necessary to retain with the Governor certain emergency powers such as those mentioned below :

**EMERGENCY POWERS
OF THE GOVERNOR.**

In connection with the Budget, he should continue to have the power which he has at present in cases of emergency to authorise such expenditure as may be in his opinion necessary for the safety or tranquillity of the province. In connection with legislation, he should have the power which he has at present under Section 72D(v), where any bill has been introduced or is proposed to be introduced or any amendment to a bill is moved or proposed to be moved, to certify that the bill or any clause of it or the amendment affects the safety or tranquillity of his province or any part of it or of another province and to direct that no proceedings or no further proceedings shall be taken by the Council in relation to the bill, clause or amendment. The existing provision (Section 80C) making the previous sanction of the Governor necessary for the introduction of any measure affecting the public revenues of the province, or imposing any charge on those revenues, should remain. The responsibility of safeguarding the rights of existing members of the All-India Services should also be placed on him and all members of such services should have the right of direct appeal to him. It should be provided that no order affecting emoluments or pensions, no order of formal censure and no order on a memorial should be passed to the disadvantage of an officer of the existing All-India Services without the personal concurrence of the Governor.

21. A provincial Public Services Commission should be created which should deal with the recruitment to all provincial services and should hear appeals from members of such services and of provincialized services with regard to orders of dismissal, removal or reduction. In certain classes of cases, to be specified by rules, there should be an appeal from such Commission to the Governor.

**PROVINCIAL PUBLIC
SERVICE COMMISSION.**

Financial Proposals

22. The framers of the reforms proposals recommended a complete separation of sources of revenue for the Provincial and Central Governments in order to do away with the control of the Central Government over provincial finances and to ensure provincial financial autonomy as far as possible. Thus the main reason, if not the only

**FINANCIAL PROPOSALS. THE PRINCIPLE
OF THE SEPARATION
OF SOURCES.**

(Financial Proposals)

reason, for the adoption of the principle of separation was political. The economic and financial aspects of this proposal were never seriously examined by the framers of the financial settlement, and yet the financial aspect is far more important than the political aspect. It must be admitted that provincial financial autonomy is a desirable end; and that if complete separation of sources was economically feasible it would be politically desirable. But as things are a complete separation is far from being a sound financial proposition. The aim of every financial settlement must be to ensure adequate resources both for the present and future needs of the various Governments. Further separation should not work in such a way as to lead to unfairness between the various contracting parties. These two criteria were entirely disregarded by the framers of the reforms proposals. The only principle on which the present settlement was based apart from this political object was efficiency of administration and adequacy of resources assigned to the Central Government. In order to attain the political purpose the principle of separation of sources has been used almost blindly. Justice required that the various provinces should be treated alike in the settlement. This similarity of treatment cannot be secured by merely assigning identical sources of revenue to each of them. The various heads of revenue are of different comparative importance in the different provinces. In the industrial provinces Income-tax is proportionately more important than Land Revenue; whereas in agricultural provinces the opposite is the case. If the provinces were to be treated fairly it was necessary to consider this factor of comparative importance of the various sources of revenue in the finances of the various provinces. The Meston Settlement did not give proper weight to this aspect of the case. A separation of sources which assigned Land Revenue to the provinces and Income-tax to the Central Government could not be fair as between the industrial and the agricultural provinces. Fairness would require that the comparative importance of both these heads should be properly considered in working out any settlement. It has never been stated by any thinker that the separation of sources should be at the cost of fairness between one province and another. Would the agricultural provinces have consented to the principle of separation if Land Revenue instead of Income-tax were to be centralised? The first objection therefore against this principle is that it completely disregards fairness between the various provinces. The second defect of this principle, if rigidly followed, is that it leads to financial embarrassment and confusion. When a separation of sources is based on grounds of administrative efficiency or on some other abstract principle, it leads to the upsetting of the equilibrium of revenue and expenditure reached in the Central and the Provincial Governments. The Meston Settlement clearly showed this to be the case. Revenues were assigned not on the principle of adequacy of resources for the needs of the various Governments but on the principle of efficiency of revenue administration. The result was a deficit of nearly ten crores in the Central Government's budget and a corresponding surplus in the revenue assigned to the

(Financial Proposals)

provinces distributed in the most haphazard manner as between one province and another. The agricultural provinces secured a windfall addition to their revenues. The industrial provinces hardly gained anything at all. This embarrassing result has been justified by the Montagu-Chelmsford Report and the Meston Committee on the specious reasoning that the surplus which the agricultural provinces obtained was really their own, which in the pre-reform settlements was unfairly taken away from them by the Central Government. This aspect may be considered later. Here it may be pointed out that this embarrassment is sure to follow if abstract principles rather than practical considerations determine the allocation of sources between the Central and Local Governments. It can be easily shown that separation of sources secured on some other principle would benefit quite different provinces than those benefited by the Meston Settlement. If, as it was suggested, all direct taxation should go to the provinces and all indirect taxation to the Central Government, then the financial effect would have been entirely different from the one attained. The fact is, as Seligman has pointed out, that an absolute separation of sources of revenue for central and for local purposes, with no possibility of the Central Government sharing some of its revenue with the local Governments is open to grave criticism. The main objection against the complete separation of sources is that it generally introduces financial embarrassment. It might, for instance, happen that the particular resources of revenue assigned to either the State or Federal Governments may be more than adequate for this purpose, while the source assigned to the other jurisdictions may prove inadequate. Seligman therefore concludes that the principle of separation of sources by itself cannot dictate the financial arrangement between the Federal and State Governments. It has to be supplemented by other principles in order to secure a well rounded fiscal system. It may be pointed out that no federation has ever worked on this academic principle of separation of sources.

Apart from the above criticism of principle, it may be pointed out that the separation of sources is not really absolutely necessary even from the point of view of securing provincial autonomy. If certain taxes could be efficiently administered only by a Central Government, then those taxes could be centrally administered, but a share of the receipts could have been allocated to the Provincial Governments. This can in no way affect the autonomy of the provinces. It is argued that the freedom to vary rates of taxation would be limited by this proposal. This however is not true because the shares of the local Governments can be varied to suit the change in the rates. A central administration of certain heads of taxation and a division of proceeds of them could very well be compatible with provincial autonomy. This has been so in many federations. The defects of the principle of complete separation were known to Lord Meston. In his evidence before the Decentralisation Commission he strongly opposed a complete separation of sources of revenue. He pointed out that sharing heads of revenue broadens the basis of provincial revenues as widely as possible and

(Financial Proposals)

makes for financial stability. If a province were dependent on only one or two large heads of revenue its finances would be subject to serious disorganisation if these were to undergo a setback owing to any special or unforeseen causes. It may be concluded therefore that the principle of the separation of sources is by no means either in theory or practice so all-important as the framers of the present financial settlement tried to make out. The desideratum of a sound financial arrangement could be attained with a system of separation of sources modified by division of proceeds in the case of one or two heads of revenue. The other principles which must be taken into consideration are adequacy of resources and fairness between one province and another. These are as important as, if not more important than, the principle of separation of sources.

23. It will be seen from the above section that separate heads of revenue were assigned to the Central and Provincial Governments mainly on political grounds and according to the principle of efficiency of revenue administration. The separation which has resulted has been on no defined principles and no attempt is made to justify the assumption that the revenues assigned by the proposals should be considered to be the total of the "natural" provincial revenues. And yet both the Joint Report and the Meston Committee seem to argue that because they assigned certain revenues to the provinces therefore those were the only revenues which can be called truly provincial. In paragraph 206 of the Joint Report it is stated that Madras and the United Provinces will be paying 47 per cent. and 41 per cent. of their "remaining revenues" to the Government of India while Bombay and Bengal are paying only 10 per cent. A similar statement is made also in the Meston Committee Report. It would be interesting to examine the conclusions and how they have been reached. The authors of the Joint Report as well as the Meston Committee did not realise fully that their allocation of revenues to the Central and Provincial Governments was purely arbitrary. If by this arbitrary allocation windfall surpluses were received by certain provinces out of which contributions were levied, it does not follow that those provinces are paying a great deal more than their proportionate share of their revenues. All that it means is that the allocation has benefited them very greatly and therefore they are contributing a share of their gains. There is no justification whatever for the assertion that the revenues assigned to the provinces are the ones which should be considered as "their own". If some other principle were applied for securing separation a result entirely different from the one attained might have come to pass. For example, if the principle was on the basis of direct and indirect taxation, the result would have been entirely different. Would any one be justified from that division in arguing that only the direct revenues belong to the provinces and not the indirect? And yet this is exactly the manner in which the framers of the reforms proposals have argued. They have assumed that the revenues allocated to the provinces *belong* to the provinces, while the

THE CLASSIFICATION
OF REVENUES INTO
CENTRAL AND PRO-
VINCIAL.

(Financial Proposals)

rest belong to the Central Government. The idea appears quite incorrect. All revenues are paid by the taxpayers in the various provinces and none of them can be called truly central or truly provincial. The incidence of some of the taxes cannot be located whereas in the case of others it can be easily ascertained. To call certain heads central and certain provincial is under the circumstances purely arbitrary. In a federation if the units composing it are to be treated alike, attempt must be made to finance the Central Government in such a way that the contribution for the Central Government should be equally burdensome to all the local Governments. The method generally followed in all federations is first to assign indirect taxes like Customs and Excise to the Central Government because their incidence cannot be easily ascertained. If these do not suffice then a certain proportion of taxes like Income-tax and Succession Duty is given over to the federal Government. But in no federation has it been stated that the heads assigned belong to the Central or Provincial Governments. If the burden of the various provinces is to be compared, the contribution both direct and indirect must be taken into consideration. The framers of the reforms proposals have not considered this aspect of the case. Because Madras and the United Provinces were made to pay a direct heavy contribution it is concluded that their sacrifice is greater. The argument, however, as Mr. Howard, the Chairman of the Simla Conference of 1920 pointed out, was not in the least valid. Mr. Howard has remarked as follows: "It is stated that some provinces such as Madras and the United Provinces no doubt feel that they are contributing very much more than their share; others such as Bombay and Bengal may point out on the other hand that the new classification of revenues is after all only arbitrary and the method adopted for working out the initial settlement has therefore not taken into account the relative amount of all-India revenues derived from the respective provinces." There is absolutely no reason to imagine that the sacrifice of Madras and the United Provinces in paying a large contribution is greater than that of Bombay and Bengal in contributing heavy sums by way of Income-tax and the major portion of customs revenues. The Meston Committee were aware of this fact. They pointed out that the reason why Bombay and Bengal were treated lightly under the assessment of contribution was twofold. In the first place they were light gainers in the allocation of revenues and secondly their indirect contribution through Customs and Income-tax to the Government of India must be taken into account. High indirect contribution had to be set off against light direct contribution and *vice versa*. The effect of these erroneous statements has however been disastrous as far as the industrial provinces are concerned. They created an entirely false impression in the minds of the agricultural provinces as regards their direct contribution and this led to a violent agitation for the abolition of these contributions. The Meston Committee itself recommended that the contributions should be reduced as quickly as possible. The Joint Committee of Parliament recommended their entire abolition as early as practicable.

(Financial Proposals)

And yet it was nowhere stated that if the direct contribution of the agricultural provinces were to be reduced the indirect contribution of the industrial provinces should also follow suit. The Meston Committee have clearly stated that high indirect contribution is to be set off against the light direct contribution and *vice versa*. If the direct contribution were to be reduced then in order to maintain the comparative position of the various provinces, the indirect contribution from the industrial provinces should also have been reduced. Whereas what the Government of India have done is to reduce nearly 10 crores of direct contribution without in any way reducing the indirect contribution from the industrial provinces. What justification is there for differentiating between direct and indirect contributions in the light of the conclusion of the Simla Conference of 1920 and the cogent reasoning of the Meston Committee themselves ?

24. As pointed out above it is impossible to define what revenues belong to the Central Government and what to the provinces. Certain principles however may be briefly discussed with reference to the allocation of resources between the Central and the Provincial Governments. The nature of the federation is important in determining this allocation. Federation as has been pointed out by writers on politics, may be of two kinds. There is the real federation where the important unit is the local Government and the Central Government merely exists in order to carry out certain important functions which the local Governments cannot adequately carry out singly and alone. In this case the local Governments are more important. Federations of this type are Australia, the United States of America, Germany and Switzerland. There is another type of federation where the local Government is really a department of the Central Government and carries out certain strictly defined local services for which it has some assigned resources. Such federations are Canada and South Africa. In India, according to the ideal stated in the Montagu-Chelmsford Report, the tendency will be towards the Australian or American model rather than the Canadian or South African model. If this be so, in the Indian Federation of the future the provinces in all matters of internal administration, will be more important units. The Central Government though important will not retain such powers over local administration as is the case in Canada or South Africa. As regards finances, this has a distinct bearing. The services which are at present allotted to the Central Government are Defence, Foreign Relations and Foreign Loans. Subjects like General Administration, Education, Police, Law and Order, are all provincial subjects. The allocation of subjects involves the allocation of growing revenues to meet the growing needs of the Provinces. Their claims to expansion must prevail over those of the Central Government. To provide for the central services certain resources may be allotted. But these resources must be such as affect all the provinces fairly and their

THE PRINCIPLES OF
EQUAL PROVINCIAL
SACRIFICE AND OF
ADEQUACY OF
MEASURES.

(Financial Proposals)

allotment should not cripple provincial finances. The financial arrangement which was the result of the Reforms has not however been based on this theory of federalism. As has been pointed out the total revenues of a country are paid by the taxpayers either by way of direct or indirect taxation. In the case of indirect taxation it is not easy to get at the incidence or locale of the tax. Such taxes are therefore generally allotted to the Central Government. All the rest are allotted to the provincial Governments. The idea underlying this principle is that indirect taxes to be productive must be on a few commodities of general consumption and would consequently affect the various provinces fairly alike. As regards direct taxes however they are mainly taxes on income and here the difference between the various provinces would be comparatively greater. It would be more so as income-tax and death duties become more prominent in the fiscal administration of a country. The reforms proposals however allotted income-tax to the Central Government. The special case of this tax will be discussed later. Here it may be pointed out that the taking away of such an important head of revenue from the scope of provincial taxation was against the idea of federalism as understood in countries like Australia and America. The Meston Committee were forced to recognise this. The Committee remarked "we doubt if it will be possible permanently to exclude local Governments from some form of direct taxation, upon the industrial and commercial earnings of their people." It may be concluded therefore that the type of federalism to which India is being led requires that the provinces should have access to all the resources of the taxpayers within their borders. Only such taxation the incidence of which is comparatively equal on all provinces and the locale of which is not easily determinable should be assigned to the Central Government.

The second principle according to which the allocation between the Central and Provincial Governments should be determined is adequacy of resources. This adequacy must not be defined in the narrow sense of static efficiency. Sufficient potentiality of growth to meet the growing needs of administration must be included in defining this adequacy of resources. According to this theory the Meston Settlement proves quite inadequate. An academic allocation based on the theory of separation of sources led to a transference of ten crores from the central revenues to the provincial revenues. The surplus to the latter however was distributed between the various provinces in the most haphazard manner. To some extent this inequality of gains of the various provinces was remedied by the levying of heavy contributions from provinces which had gained windfall surpluses. But apart from this unfair treatment as between one province and another, an examination of the Meston Settlement points out certain glaring defects. These will be seen clearly if the allocation of subjects and the allocation of heads of revenue are compared. The central functions are mainly Defence, Foreign Relations and Foreign Debt; whereas the provincial functions comprise such vital subjects as Education, Law and Order, Roads,

(Financial Proposals)

Irrigation, General Administration, etc. The functions allotted to the Central are not thus capable of rapid growth whereas the functions allotted to the provinces grow rapidly with the progress of the country. As against this the heads of revenue allotted to the provinces show little potentiality for growth. Land Revenue can increase but slowly. Excise, in view of the policy of prohibition, is becoming a dwindling source of revenue. General Stamps is a small item and is not therefore of great importance. The Central Government on the other hand have two sources of revenue which are capable of great growth. Customs, for example, has increased from 31 crores in 1921 to about 50 crores this year. Income-tax has gone down since 1921 but this is only a temporary phase. It is increasing gradually and in a few years should be capable of showing great expansion. Imperial revenues are showing greater pace of growth than the provincial revenues. In the last four years the Government of India secured a recurring surplus of 10 crores. The agricultural provinces however do not realise this aspect of the static condition of provincial revenues because of the generous remission of contributions which they obtained from the Central Government, which greatly increased their revenue. Once however the contributions are wiped out the agricultural provinces will see clearly how their revenues would cease to expand in future years. On the other hand, the Central Government will be confronted with embarrassing surpluses when trade and industry revive. Thus on general lines alone it can be proved that while the settlement does not give adequate resources to the provinces, it gives more than adequate resources to the Central Government.

Apart from this general reasoning, it has been proved in the second chapter how inadequate have been the sources assigned to the industrial provinces like Bombay. In Chapter IX we have shown how our revenues have not grown at all but in all cases have actually been decreasing. On the other hand the clamour of the nation-building department for greater and greater expenditure has been insistent. And yet this Government had in most cases to mark time, and a period of stagnation and in some cases almost retrogression has been witnessed since the Meston Settlement. From the point of view of Bombay—and Bengal is in the same position—the settlement has not given adequate resources for the functions assigned to the provincial Governments. Judged according to the principle of adequacy of resources the settlement has been a failure. The failure is not realised by the agricultural provinces because of the drugging effect of the remission of contributions. But sooner or later they will come into line with us and demand in the interest of their growing needs that the provinces ought to be assigned a substantial share from the taxation of industry and commerce within their borders. This has been really admitted by the Meston Committee in the passage quoted above.

25. The two main reasons advanced by the framers of the Reforms Proposals for centralising Income-tax were :

THE CASE OF
INCOME-TAX.

(Financial Proposals)

(a) the necessity of maintaining uniform rates and

(b) the place where the tax is paid is not necessarily the place where the income is earned.

(a) The argument as regards the maintaining of uniform rates is by no means conclusive. There is no doubt that uniformity of rates of Income-tax is desirable. But this necessity does not preclude the possibility of sharing the proceeds from Income-tax between the Central and Local Governments. The rates of Income-tax may be fixed according to Imperial legislation but the proceeds may be shared between the Central and Provincial Governments. This would ensure uniform rates all over India and it would not deprive the provinces of a share of the growing revenues. In many federations uniformity of rates is secured by central administration but the proceeds are shared with the local Governments. For example, in Germany the inheritance tax and Income-tax, for administrative and fiscal reasons, are levied as federal imposts but the yield is shared between the Federal and State Governments. Thus uniformity of rates is secured without leading to a centralisation of Income-tax.

(b) The Joint Report as well as the Meston Committee make much of the argument that the place where the tax is paid is not the place where the income is earned. The problem is certainly beset with difficulties. A similar problem has arisen in the case of double taxation between two sovereign states. The problem may be briefly stated as follows: In modern Income-tax administration a great deal of Income-tax is paid at the source.

Companies are charged either the standard or the maximum rate of tax and it is deducted from the dividends before they are paid out. It therefore happens that the company pays all the tax where its head office is situated, whereas the shareholders may be scattered over a much wider area. The question then arises to which jurisdiction the tax should be credited. Should it be the place where the tax was collected or should it be the place where the taxpayer was resident, i.e., should origin or domicile be the determining factor in deciding to which place the tax should be credited. The League of Nations appointed a Committee of Economists in 1923 to go into the problem of double taxation. After examining various categories of wealth the Committee came to the conclusion that it was difficult to determine economic allegiance which any wealth or income owed to the various states. But the general trend of their reasoning was that domicile is more important in determining economic allegiance in the case of most categories of wealth. The Indian Taxation Committee which discussed this question in the light of the Report of the four economists came to the conclusion that the only feasible method was to base the distribution primarily on the principle of domicile which underlies the final conclusion of the four economists. This would show that the problem could have been solved by a compromise which would have been not very unfair either

(Financial Proposals)

to the Central or to the Provincial Governments. Apart from this it seems strange that because absolute justice cannot be secured between one province and another, therefore the Central Government should have the whole proceeds from Income-tax. The Taxation Committee suggested as a compromise that the provinces should have a share of the tax collected from personal incomes, i.e., of incomes of people definitely resident within the province. Their review of the problem shows that the arguments of the framers of the Reforms proposals were not conclusive.

The first argument which was forcibly advanced against centralisation of Income-tax was the unfairness of the proposal between the industrial and agricultural provinces. It was pointed out that Income-tax is merely the industrial or professional counterpart of Land Revenue and to provincialise the latter while centralising the former means giving those provinces whose wealth is more predominantly agricultural, such as the United Provinces and Madras an initial advantage over a province like Bombay which has very large industrial and commercial interests. The framers of the reforms proposals made no serious effort to controvert this argument. The Joint Report speciously remarked that the principle of equality between one province and another cannot be extended to individual heads of revenue but must be reached in the settlement as a whole. It is difficult to see how exactly they would apply this statement. For while the principle of equality was not proposed to be applied to the individual heads of revenue, it was pointed out that the settlement as a whole would be unfair as between industrial and agricultural provinces if Land Revenue was provincialised and Income-tax was centralised. The framers of the reforms proposals have made no attempt to show that this inequality as regards Income-tax and Land Revenue was counterbalanced by another inequality in favour of the industrial provinces. The only attempt in this direction has been made by the Meston Committee in paragraph 22 of the Report. The Committee remarked that heavy indirect contribution is to be counterbalanced by light direct contribution and *vice versa*. In the last four years, however, the direct contributions have been entirely remitted, and it may be concluded, therefore, that the balance between direct and indirect contribution is seriously disturbed and was perhaps never accepted as a guiding principle by the framers of the reforms proposals.

The second reason advanced against centralising Income-tax is that the provinces should not be denied the power to tax the industrial and commercial wealth and income within their borders. To restrict the provinces to a taxation of agricultural wealth and the wages of the working classes through drink is sure to lead to an ill-balanced scheme. Under modern conditions industrial and commercial wealth is becoming more and more important than agricultural wealth. In India with the growth of industries and commerce which is sure to come in the near future, industrial and commercial income will become comparatively far more important than agricultural income. Under these circumstances it

(Financial Proposals)

is most anomalous that provincial Governments should not be able to tax this growing industrial wealth. The case of the Industrial provinces is briefly this, that the provinces should be able to tax all types of wealth and incomes within their borders. They should not be precluded from taxing industrial and commercial wealth on the specious reasoning that the incidence of a very small part of taxation of the industrial wealth is difficult to determine. After all the difficulty is not insurmountable, as has been shown above.

The third reason against centralisation of Income-tax is based on the principle of adequacy. It has been pointed out that the inhabitants of a highly developed area demand a proportionately high standard of expenditure on their various needs, and this high expenditure is only possible if the provincial Governments can secure the expansion of resources which Income tax can give. This argument has never been controverted. It cannot be denied that a province which is highly industrialised and which therefore pays a great proportion of the Income-tax costs more to administer. The causes of the high expenditure in Bombay have been dealt with in Chapter IX. If the province has to finance this high expenditure it must have a live source of revenue at its disposal. The feelings of the Income-tax payers in the industrial provinces as expressed in representations, public meetings, etc., show clearly how they regarded this aspect of the question. Without Income-tax industrial provinces can never have adequate resources to meet the growing needs of progressive administration.

The fourth reason against centralisation of Income-tax is that by doing so, the financial settlement becomes lopsided. The only way in which the provinces can be given some share in the growing industrial wealth and prosperity is to assign them a share of Income-tax. A share of Customs cannot be given for administrative reasons. The balancing factor to secure the elasticity of provincial revenues is therefore restricted under present conditions to Income-tax alone. And to centralise this source completely is to deny any elasticity to provincial revenues and to lead to a very lopsided distribution of resources.

It may be worth while briefly to mention here that in almost all the federations Income-tax is shared between Federal and Local Governments. In Germany for example, the law of 1920 puts the entire administration of Income-tax in the hands of the Empire and assigns a portion of the revenues to the states. The portion allotted in 1920 was two-thirds of the total receipts. This share was increased in 1925 to 75 per cent. and in 1924 to 90 per cent. In Australia both the Commonwealth and the States levy Income-tax. In America both the Federal and the State Governments have Income-tax of their own. Thus it will be seen that foreign experience is entirely against a complete centralisation of Income-tax.

The previous discussion has shown that the present settlement is very defective and must be modified. The point next to be considered is on what lines should the settlement be improved. The two principles which

(Financial Proposals)

have been discussed above, on which any fair settlement should be based are equality of treatment as between one province and another and adequacy of present and future resources for the Central and Provincial Governments. To some extent these principles may be modified by considerations regarding efficiency of tax administration. The new settlement should be based on these three principles.

26. The method which the allocation of resources between the federal and the state Governments ought to follow may briefly be discussed with special reference to the Indian problem. Seligman who has dealt with this problem thoroughly has pointed out that there are five methods of allocation of resources between the federal and the state Governments. They are as follows:—

METHODS OF DIVISION OF PROCEEDS BETWEEN THE CENTRAL AND PROVINCIAL GOVERNMENTS.

- (1) the taxes are assessed by state authorities with additions for the use of the central Government ;
- (2) the tax is assessed by the central authorities with additions for local purposes ;
- (3) the separation of sources of revenue ;
- (4) the division of the yield ;
- (5) the system of subvention.

These methods may be considered separately to see how far they can be made applicable to the Indian problem.

(1) The method of putting on "centimes additionnels" to state taxes for the use of the federal Government is used in America to some extent but would not generally be applicable in India. It is really speaking a method for dividing the yield of a particular tax and it would be better to divide the yield straightaway rather than by this roundabout method. Similar remarks apply to the method of "centimes additionnels" on federal taxes for the use of state Governments. Though this is a useful method as between the state and local Governments yet as between the federal and the state Governments it is inferior to a straightforward division of yield ; because if the addition is to be substantial it is bound to lead to a conflict of interests between the federal and state Governments. As regards (5), i.e., subventions they may be from the federal Government to the states or *vice versa*. These payments present difficulties because it is difficult to devise a satisfactory basis for calculating the subsidy and this leads to constant bickerings between the various state Governments. The method has only very limited uses.

There remain, therefore, the two methods of separation of sources and the division of the yield. As pointed out above the method of separation of sources is not desirable if introduced without the modifying principle of the division of yield in the case of certain taxes. We need not go more into this problem as it has been dealt with above. At present the principle on which the settlement has been based is the one of entire separation of sources. As pointed out above, this separation has led to great unfairness and has failed to ensure adequate resources

(Financial Proposals)

for some of the provincial Governments. A corrective therefore, has to be introduced in the shape of a division of yield in the case of certain taxes. Which taxes could properly be divided and which do not allow of any division may be discussed in the next few paragraphs.

27. The Taxation Committee has examined in detail the theoretically correct distribution of the various taxes between the central and the provincial Governments. All that we need do is to examine the proposals of the Committee as regards each head of revenue.

Land Revenue.—As regards this head the Committee propose that the revenue should be continued as an item of provincial revenues. The reasons advanced for this proposal are firstly that Land Revenue is administered on different lines in different provinces and there is no province of which it is possible to say what is the rate imposed. Secondly, the staff that administers Land Revenue is concerned with numerous other activities of the Government and it would be impossible to place it under Imperial control. On these two grounds the Committee suggest that Land Revenue should remain a provincial head of revenue. It may be admitted that there is force in the arguments advanced. If a share of Land Revenue was taken by the Imperial Government it would mean an unequal contribution from the various provinces. There are permanently settled tracts, zamindari tracts, and ryotwari tracts, and the incidence of taxation in each of these is entirely unequal. To take a share of Land Revenue would mean a light contribution for the permanently settled tracts and a heavy contribution from the ryotwari tracts. The difficulty about administration is also a real one. If therefore there are other balancing factors, the proposal to retain Land Revenue as a provincial head appears reasonable.

The charge for water, *i.e.*, irrigation revenue, is intimately connected with Land Revenue. Further in many cases it is a charge for services rendered. The Government which makes this charge has to provide the capital cost and maintenance of the Irrigation works. On these grounds the irrigation revenue must remain a provincial source of revenue.

Customs.—Customs duties on imports have been reserved in all federations for the federal Government on the ground that the incidence of these taxes is not traceable. This is an argument which is generally accepted and Customs must therefore be assigned to the central Government. In the case of export duties, however, the case is slightly different. The export duty on tea, jute and rice could be fairly easily localised. But the difficulty here is that export duty affects the international trade of a country and the handing over the proceeds to provincial Governments would mean an interference with the central Government's function of regulating the foreign trade of the country. To some extent however the export duty can be used as a balancing factor.

(Financial Proposals)

Excise.—In India excises are of two types. One is the excise for revenue, such as excise duty on petrol, kerosine and salt. The other is the restrictive excise on alcohol, opium, etc. As regards excise duty for revenue, it is similar to import duties and it is difficult to trace the consumption. On these grounds it should remain central. As regards the excise on alcohol and other drugs, the case in India is entirely different from that in other countries. The consumption can be easily traced because the provinces manufacture their own country spirit and there is a restriction on inter-provincial transport. On these grounds India unlike other federations makes excise duties on alcohol provincial. The Taxation Committee, however, have pointed out that there are facilities for levying a basic excise duty on the various alcoholic drinks and drugs and this basic rate could be transferred to the central Government. Any addition to the basic rate and the total of vend fees would be the provincial source of revenue. There is certainly something to be said for this proposal if it proves practicable. As regards opium, the Taxation Committee propose that the entire revenue should be in the hands of the central Government as that Government is responsible for the policy of opium consumption. The excise revenue levied on opium is, however, in the nature of a vend fee or a surcharge and there is no reason why it should not continue to be a provincial source of revenue.

See
Statement
No. I.

Stamps.—As regards non-judicial Stamps, the Taxation Committee propose that they should be transferred to the central Government in the interest of uniformity of rates. This question of uniformity of rates is a little overdone; for the main commercial stamps the Government of India has the power to control the rates. There is another argument, however, why this revenue may be partly at least centralised. Many of the stamps on commercial documents are of the nature of customs duties, i.e., levied on trade. The incidence of these duties would be on the ultimate consumer who need not be residing in the particular province where the duty is collected. As regards some of the stamps, therefore, there is a great deal to be said for centralization. The principle has been accepted to this extent by the Government of India and other provincial Governments. As regards court-fees and other fees, they must evidently belong to the authority which levies them.

Income-tax.—Of the existing taxes this is the only one which remains to be considered. In the opinion of the Taxation Committee, Income-tax provides the best balancing factor in the financial arrangement between the central and provincial Governments. They propose a division of income-tax on the following grounds:—As this tax is on industrial incomes only, and not on agricultural income, to assign it to the Government of India would mean unfairness to the industrial provinces as compared with the agricultural provinces. The Committee therefore propose that Income-tax should be shared between the central and provincial Governments. They rule out the method of two separate taxes, one for the central and one for the provincial Governments. Such a

(Financial Proposals)

method was followed in Australia and the United States but experience had proved it to be inadvisable. The Committee also turn down the device of allowing the provinces to impose a "centime additionnel" on the central Income-tax on the ground that the rates may vary in various provinces and would cause confusion. The Committee endorse the third method followed in many federations. Income-tax may be levied by the central Government but a definite proportion of the yield should be allocated to the provinces on certain definite principles.

The application of this method however presents many difficulties. As the Committee have pointed out, it is difficult to find a satisfactory basis on which the allocation between the several provinces of the total share allotted to them is to be allocated. In a number of cases, because of the practice of collection at the source, the tax would be charged to a province in which a company carries on its business, but actually be borne by a person resident in some other province. The difficulty then arises as to which province should be credited with this tax. Should it be the province in which the tax is collected or the province in which the taxpayer is resident? The solution which the Taxation Committee suggest, based on the report of the four economists appointed by the League of Nations, is to give predominance to domicile in assigning credit for the tax. The Committee's proposal may be stated as follows. The Committee propose to give to the provinces the proceeds of a basic rate on personal incomes graduated proportionately to the general rate. For this purpose the basis of calculation would be the personal Returns submitted under section 22 (ii) of the Indian Income-tax Act which provides for a statement of the incomes derived by the assessee from all sources including dividends from companies wherever situated. The whole collection on incomes that did not appertain to residents in particular provinces, such as the tax on undistributed dividends of companies or on incomes of persons resident abroad or resident in places outside the borders of the province to which the allotment was made and the whole of super-tax would go to the Government of India.

The Committee's proposal then amounts to this, that the personal income is to be worked up from the returns under section 22 (ii) and the provinces are to be allotted the proceeds of a basic rate on the various rates of this income graduated proportionately to the general rate. In other words, the provinces are to get a certain share of the total income-tax revenue from personal incomes. The Government of India are to get the whole of the super-tax and the income-tax on undistributed profits and from foreigners. The proposal of the Committee is open however to various criticisms. The exclusion of super-tax which is merely an extension of income-tax seems entirely indefensible. If the provinces are to be allotted a share of income-tax there is no reason why they should be denied a share of super-tax. The Taxation Committee have given no justification for this proposal, either theoretical or practical. The fact that super-tax is levied in a different manner from income-tax should make no difference. The method of levy could

(Financial Proposals)

See
Statement
No. II.

easily be made uniform for both super-tax and income-tax and in that case there would be only one income-tax and no artificial dividing line between income-tax and super-tax. It is difficult to find justification for centralising super-tax entirely. The case for provincialising super-tax is in one sense even stronger than that of general income-tax. Super-tax on companies may be treated separately but super-tax on individuals and unregistered firms and Hindu joint families, is eminently a tax where domicile and origin coincide. What justification is there for centralising this tax entirely? Apart from this, super-tax in a good year is of great importance in a province like Bombay, and to allot the whole of it to the central Government would be unfair to the industrial provinces.

The first modification therefore which we should suggest in the Taxation Committee's proposal is to make the share applicable to super-tax also. For example, if super-tax on income between Rs. 50,000 and Rs. 1,00,000 is one anna, the provinces should get a certain fixed share of it just in the same way as they get a basic rate on income-tax. As regards super-tax on companies the case may be considered separately.

The second criticism which may be levelled against the proposal of the Taxation Committee is as regards their basis which is personal income. The calculation of this figure judging from the statistics we have received from the Government of India in the last two years, is not above doubt. To get at the correct personal income from returns under section 22 (ii) and to classify the various incomes by groups would be a task beset with difficulties. The personal income figure is not of great importance to the administration unless exemption is claimed from liability to income-tax or unless the rate of tax on the whole income is in dispute. The Income-tax Department therefore will not be very keen in ensuring the accuracy of these statements. A tax collecting authority may fail to give particular attention to the accuracy of statistics which do not affect the amount of the tax collected considerably. There is a probability, therefore, of some doubt arising, as regards the accuracy of the personal income-tax statistics. Apart from this, it may be doubted whether the advantage which may be claimed for taking personal income is worth all this trouble. The Taxation Committee's preference for the principle of domicile is theoretically justifiable. But practically there are a great many difficulties in determining domicile. An examination of the income-tax returns shows that a great deal of the assessed income in the provinces belongs to the provinces themselves. Return IV is nearly entirely personal incomes. The income assessed to super-tax except that assessed to companies super-tax is again entirely personal. As regards Return III there is no doubt that part of the income assessed under this Return is held by non-provincials but it has never been seriously questioned that a very large proportion of income from companies, firms, etc., is held by the people of the industrial provinces themselves. Even the Meston Committee admitted this contention. Would it not be better under the

(Financial Proposals)

circumstances to throw overboard a little bit of abstract justice and adopt a figure which though theoretically not as sound as personal income, would be easy to calculate and easy to test. The figure of the total assessed income would be a much better basis than the figure of personal income. It must be admitted at once that if the figure of the total assessed income were taken it would differentiate in favour of the industrial and commercial provinces as opposed to the agricultural provinces. But there is a strong justification for this slight injustice. Fairness requires that provinces should have the same share of all direct taxation on the total income of the province. If the whole of Land Revenue is to be assigned to the provinces then the whole of the direct taxation of non-agricultural income within the province must also be assigned to the province in order to be fair as between the agricultural and industrial provinces. But under the proposed change only one-half of taxation on non-agricultural incomes is to be assigned to the provinces. The proposal therefore differentiates in favour of the agricultural provinces. Against this specially favourable treatment may be set off whatever little loss they may incur by having a part of their non-agricultural income credited to the industrial provinces. Further if as fairness would require the whole of income-tax was assigned to the provinces then the resulting deficit in the Central Budget would have to be made good by an equal share from all provinces of the Land Revenue and Income-tax within the province. In other words, a division of both Land Revenue and Income-tax would be inevitable. The agricultural provinces have therefore little cause for complaint if the total assessed income figure was taken as the basis and not personal income. The industrial provinces would be getting only about one-half of income-tax revenue whereas the agricultural provinces would get the whole of land revenue. In the circumstances, it is proposed that the basis should be total assessed and not personal income. The inclusion of super-tax and the taking of total assessed income as the basis of division are two necessary modifications in the proposal of the Taxation Committee to divide Income-tax.

It has been stated above that the case of the super-tax on companies should be treated separately. The name "super-tax" for this levy is not entirely accurate. In India it is a tax at a flat rate on business profits above a certain sum. It is levied at one anna per rupee of assessed income of companies over Rs. 50,000. It is not therefore a proper income-tax but is a business profits tax. As it pertains entirely to companies and as it is recognised that many companies carry on nation-wide activities, it is therefore argued that the whole of this tax should be credited to the Central Government. It cannot be denied that there is something to be said from this point of view. But after all the income from companies is really the income of shareholders, and as has been argued above, the majority of the shareholders reside in the industrial provinces where the companies are assessed. In the circumstances, it would not be fair to the industrial provinces to centralise the whole of the companies profits tax.

(Financial Proposals)

As regards income-tax, our proposal therefore is for a share of the tax on total assessed income ; i.e., a share of the total revenue collected. This is an arrangement which is eminently practicable and the merits and demerits of which are patent on the very face of it. There are less chances of differences between the Government of India and the Provincial Governments, as the test of accuracy is objective the total tax collected. The basis of personal income-tax, as pointed out above, though theoretically justifiable, is practically unsuitable.

28. Before completing the theoretically correct distribution of taxes, it is desirable to consider the new taxes which are likely to be levied in India. The Taxation Committee have discussed two or three such important taxes which we may refer to here.

TAXES NOT YET
LEVIED IN INDIA.

Duty on tobacco.—The proposal of the Taxation Committee as regards tobacco is to put an excise duty on locally made cigarettes and pipe tobacco, and an indirect excise by way of a vend-fee through a system of licensing in the case of country tobacco. It may be stated that the excise duty in the case of cigarette and pipe tobacco should follow the usual rule of all excises for revenue purposes ; i.e., the receipts should be allocated to the Central Government. As regards the vend-fee on country-made tobacco, administrative convenience requires that it should be allotted to the Provinces. If the licensing of shops is to be carried out properly, and if the supervision is to be efficient, then the administration must be under the control of the provincial Governments. Because of this reason the vend-fee may be assigned to the provinces.

Death duties.—Death duties at present are a small item of revenue included under Stamp revenue. As they are at present, the receipts should be allocated to the provinces. Later on, however, if death duties are to be brought into line with similar duties in other countries, then the administration would have to be on the same system as that of the income-tax. There is a great deal to be said for assigning the administration of death duties to the Income-tax Department. In England that is the system followed. The administration of succession duties would then have to be central. The rates also in the interest of uniformity must be fixed by central legislation. In these circumstances it would be desirable that a share of the proceeds of death duties should be allocated to the Central Government. Under the present Scheduled Tax Rules the proceeds are wholly allocated to the provinces. But when death duties of the type existing in other countries are introduced in this country, it is desirable in the interest of efficient administration and uniformity of rates that a certain proportion of the proceeds should be allocated to the Central Government. What that share should be is a matter for decision later.

Income-tax on Agricultural Income.—The third proposal, which, however, has not been strongly supported by the Taxation Committee, is that of income-tax on agricultural incomes. This is really a type of

(Financial Proposals)

income-tax and as such both its administration and division of proceeds should follow that of income-tax.

There are certain other minor new taxes which need not be considered here as they will not affect the problem materially.

29. The discussion in the above paragraphs has indicated the lines and principles on which the new financial settlement should be based. It is not practicable, however, merely to rely on these principles in framing a settlement. As the Joint Report remarked, we have not a clean slate to write upon. There are certain limitations of the problem which must be considered before a new settlement is proposed. The first such limitation which has to be recognised is that any change in the distribution of the heads of revenue must not be so arranged as to reduce the sum total of the present provincial revenues. No proposal which materially reduces the revenues of one or more provinces would have any chance of acceptance by those provinces. Apart from this the administration of the provinces is based on existing revenues. To reduce these would lead to financial embarrassment and would lead to strong opposition from those provinces. No province can reasonably be expected to accept a proposal which materially diminishes its existing revenues. Considerations of practicality, therefore, require that any proposed change should not affect the various provinces adversely as compared with their present financial position. From this it follows that any gain which any of the provinces proposes to have by the new settlement must be at the cost of the Government of India. In other words any proposal for a new settlement must be so framed as to secure a share of the revenue of the Government of India, either present or future, for the provinces. Even here, however, there is a clear limitation. As in the case of the provinces so also in the case of the Government of India, existing revenues cannot be materially reduced without causing embarrassment. It is necessary that the Government of India should have adequate resources for its present commitments and should also have a normal rate of growth in its revenues. This limitation means that any gain to the provinces which a new settlement may propose to give must be at the cost of the future surplus of the Government of India. In other words a new settlement can only divert a share of the future surpluses of the Government of India to the provincial Governments. These limitations must clearly be recognised before making any new proposal.

Proposals for a new financial settlement

30. Having discussed the principles which ought to underlie any fair settlement between the Government of India and the provinces and after considering the limitations involved in the problem, we may now attempt to formulate our proposals for improving the present financial

(Financial Proposals)

settlement. Before discussing the various alternative proposals we may briefly enumerate the balancing factors. These balancing factors are :—

- (1) the super-tax on companies ;
- (2) the non-judicial stamps which were proposed to be centralised by the Finance Members' Conference of 1926 ;
- (3) the provincial receipts from opium ;
- (4) the receipts from excise duty on foreign liquor ;
- (5) the new duty on tobacco ;
- (6) the succession duties.

As regards the last two, we need not consider them except when suggesting methods of making up the deficit in the Government of India's budget caused by the new proposals. As regards provincial receipts from opium and excise duty on foreign liquor, the Government of India have come to the conclusion that for administrative reasons these duties must remain provincial. (*Vide* Government of India, Finance Department, letters of 30th June 1926 and 13th August 1926.) These two balancing factors cannot, therefore, be used and the only factors which remain, therefore, are the super-tax on companies' profits and non-judicial stamps. As regards the super-tax on companies, as we have already pointed out, it is of the same nature as Income-tax proper and we cannot, therefore, agree to surrender this wholly to the Government of India. Our proposal, therefore, is to claim a half share of the total taxes on incomes and surrender the items of revenue under non-judicial stamps which the Conference of Financial Representatives proposed to be centralised. This would mean that the provinces would surrender Rs. 137 lakhs (in 1925-26) to the Government of India and get a half share of Income-tax, i.e., Rs. 769 lakhs. The Government of India paid under Devolution Rule 15 Rs. 26 lakhs in 1925-26. The net deficit to the Government of India would, therefore, be Rs. 606 lakhs. (Please see Statement No. III attached.) The sums gained by the various provinces under the proposal would be as follows :—

Madras	42·22	lakhs
Bombay	137·25	„
Bengal	254·80	„
United Provinces	33·25	„
Punjab	22·71	„
Burma	76·74	„
Bihar and Orissa	15·83	„
Central Provinces	16·39	„
Assam	6·58	„

From these figures it will be seen that all the provinces gain under this arrangement ; and none of them therefore would have any cause for complaint.

(Financial Proposals)

31. It has been stated above that the excise duty on tobacco should be allocated to the Government of India. It is difficult to estimate the revenue that can be derived from an excise duty on tobacco. The Taxation Enquiry Committee which went into the problem pointed out that wherever the system existed—in French India or Indian States—the revenue from this source was a substantial figure. The Committee had computed that the return in revenue from tobacco varied from 2·2 annas per head in Patiala, 3 annas a head in French India, to 6 annas a head in Nawanagar and 8·1 annas a head in Travancore. The Committee remarked that some idea may be gained of the possible revenue effects of introducing a similar system in British India when it is remembered that one anna per head on the population of British India would give a revenue of 154 lakhs. It is not possible to prepare separate estimates for excise duty on cigarettes and pipe tobacco manufactured in India and the vend-fee from other types of tobacco. It has been suggested above that the vend-fee should be assigned to the provinces, and the excise duty to the central Government. There is no doubt that this would give the Government of India a substantial source of revenue. Assuming that the available revenue per head in British India was 4 annas, the total duty on tobacco would amount to a substantial sum of 6 crores. Even at a lesser rate of 3 or 2 annas it would amount to 4½ or 3 crores. A share of this would be due to the excise duty on cigarettes and pipe tobacco manufactured in India. There is no reason also why a certain proportion of vend-fee should not also be assigned to the Government of India. That would serve as a balancing factor in order to make up the deficit of the Government of India. As a rough estimate, therefore, it may be safely concluded that if the major portion of the duty on tobacco was assigned to the Government of India, a sum of 2 to 3 crores would become available for that Government.

The second method by which the deficit may also be reduced would be either an increase in the rates of Customs duties or else the normal growth of Customs revenue may also help in the same direction. The Customs revenue in the last seven years has increased from 30 to 50 crores; and it still has some capacity for growth owing to the increase in International trade. An increase in the next two or three years of 2 or 3 crores seems a reasonable increase to expect. This sum, apart from any increase in Customs duties, would help in reducing the Government of India's deficit.

See
Statement
No. IV.

The third way in which the Government of India's deficit is likely to be reduced is the growth of income-tax revenue. At present the income-tax revenue is somewhere about 16 to 17 crores. In 1921 it was 22 crores. It is recognised that except in the Jute industry there has been general industrial depression. With the advent of normal times, income-tax revenue is sure to grow to a more substantial figure. If the 1921 figure be considered excessive, an increase of 3 or 4 crores over the present figure is quite probable as soon as normal times are reached. This will

(Financial Proposals)

be evident if we examine the income-tax figures of Bombay. At present the total income-tax revenue in Bombay is 3½ crores or less. In 1923-24 it was 5 crores and more; and in 1921-22 it was nearly 8 crores. It is recognised that Bombay is at the bottom of depression. In normal times the revenue in Bombay might certainly increase by a couple of crores. This will show that there is likely to be an increase of at least 2 or 3 crores in income-tax revenue. Of course under this arrangement the Government of India would get only half of the increase. But this half which may be a crore or two would help in diminishing the deficit of the Government of India.

It has been remarked above that if death duties were levied on the same model as in foreign countries, a share of them will have to be given to the central Government. Death duties of the magnitude existing in other countries will undoubtedly produce substantial sums in India. Even the present insignificant death duties on a very small proportion of the population produced in the whole of India in 1923-24 nearly 36 lakhs of rupees. The rate of duty was only between 2 to 5 or 6 per cent. and applied only to Europeans, Anglo-Indians, Parsees, and those Mahomedans and Hindus who made a will. If the death duties were at rates commensurate with those in foreign countries and applied to all classes of people and wealth, then the revenue under this head would be very substantial, as can be judged by the experience of every country. If a share of this revenue were assigned to the central Government that would also help in reducing the central deficit. It may be remarked, however, that these duties cannot be introduced hurriedly and would take time before they became really productive.

To sum up: It seems reasonable to assume that the Government of India's deficit would soon be wiped out by the normal increase in Customs and Income-tax revenues and the levying of the tobacco duty, and the process would be assured by the introduction at an early date of death duties. The problem of meeting the Government of India's deficit is not therefore insurmountable. Before, however, the duty on tobacco begins to function, and the total expected increases in Customs and Income-tax revenue materialise, there will, it is anticipated, be a deficit in the Government of India's budget. To meet this a *pro rata* contribution must be taken from the provinces in proportion to their net gain under the new settlement. This contribution, if levied, should be remitted as soon as new taxation or growth in the old heads of revenue wipes out the deficit in the Government of India's budget.

(Financial Proposals)

STATEMENT No. I

Provincial Receipts from Opium and Excise duty on Foreign Liquor in 1925-26

(In thousands of Rupees)

Provinces	Opium	Excise duty on foreign liquor
Madras	23,70	11,62
Bombay	19,98	26,93
Bengal	33,13	14,74
United Provinces	15,46	9,51
Punjab	22,79	14,59
Burma	29,75	11,00
Bihar and Orissa	21,68	71
Central Provinces and Berar	30,79	2,64
Assam	32,95	19
	2,30,23	91,03

STATEMENT No. II

Super-Tax on Companies

(In thousands of Rupees)

Provinces	1921-22	1922-23	1923-24	1924-25	1925-26
Madras		16,77	23,56	15,35	15,15
Bombay	2,12,02	1,50,79	96,06	51,37	38,97
Bengal		1,22,06	1,29,83	1,20,16	1,40,13
United Provinces		20,23	15,34	11,30	12,12
Punjab		2,99	5,21	3,86	3,93
Burma		39,35	14,46	43,49	50,38
Bihar and Orissa		30	39	93	16
Central Provinces and Berar		7,28	6,34	5,65	4,58
Assam		91	4,68	10,04	8,02
		3,60,74	3,25,87	2,62,15	2,74,44

CHAPTER X—PROPOSALS

(Financial Proposals)

STATEMENT No. III

(In thousands of Rupees)

No.	Provinces	Total taxes on income including super-tax on companies	Half of column 2	Provincial share under Devolution Rule 15
	1	2	3	4
1	Madras	1,45,66	72,83	4,27
2	Bombay	3,50,49	1,75,25	....
3	Bengal	5,93,00	2,96,80	....
4	United Provinces	80,56	40,28	5
5	Punjab	69,06	34,53	3,82
6	Burma	1,95,32	97,66	8,92
7	Bihar and Orissa	39,47	19,74	2,41
8	Central Provinces and Berar	39,50	19,75	1,36
9	Assam	24,33	12,17	5,29
	Total ..	15,37,99	7,69,01	26,10

No.	Provinces	Net gain to provinces col. 3 — col. 4	Revenue from certain (Commercial) Non-Judicial Stamps	Net gain or loss to provinces if certain Non-Judicial stamps are surrendered in return for half of income-tax col. 5 — col. 6
	1	5	6	7
1	Madras	68,56	26,34	42,22
2	Bombay	1,75,25	38,00	1,37,25
3	Bengal	2,96,80	42,00	2,54,80
4	United Provinces	40,25	7,00	33,25
5	Punjab	30,71	8,00	22,71
6	Burma	88,74	12,00	76,74
7	Bihar and Orissa	17,33	1,50	15,83
8	Central Provinces and Berar	18,39	2,00	16,39
9	Assam	6,88	30	6,58
	Total ..	7,42,91	1,37,14	6,05,77

Figures refer to 1925-26

(Financial Proposals)

STATEMENT No. IV

Revenue from Customs and Income-Tax

(Lakhs of rupees)

Year					Receipt from Customs	Total receipt from Income-tax (including Super-tax)
1921-22	..	..	..	..	31,41	22,17
1922-23	..	..	..	..	41,35	18,14
1923-24	..	..	..	..	39,70	18,49
1924-25	..	..	..	..	45,75	16,21
1925-26	..	..	..	..	47,78	16,12
1926-27	..	..	..	..	47,70	16,13
1927-28	..	..	..	..	48,73	17,26

STATEMENT No. V

(Lakhs of rupees)

Provinces	Gain to provinces if certain non-judicial stamps are surrendered in return for half income-tax and super-tax	Net gain to provinces if 4 out of the 6 crores deficit is distributed <i>pro rata</i> according to the gain in column 2	Net gain to provinces if 3 out of the 6 crores deficit is distributed <i>pro rata</i> according to the gain in column 2	Net gain to provinces if 2 out of the 6 crores deficit is distributed <i>pro rata</i> according to the gain in column 2	Net gain to provinces if 1 out of 6 crores deficit is distributed <i>pro rata</i> according to the gain in column 2
1	2	3	4	5	6
Madras ..	42·22	14·07	21·11	28·15	35·18
Bombay ..	137·25	45·75	68·63	91·50	114·38
Bengal ..	254·80	34·93	127·40	169·87	212·33
United Provinces ..	33·25	11·08	16·63	22·17	27·70
Punjab ..	22·71	7·57	11·36	15·14	18·73
Burma ..	76·74	25·58	38·39	51·16	63·96
Bihar and Orissa ..	15·83	5·28	7·92	10·55	13·19
Central Provinces ..	16·39	5·46	8·19	10·93	13·65
Assam ..	6·58	2·19	3·29	4·39	5·48
	606·77	201·91	302·92	403·96	504·59

Note.—Figures in columns 2-6 are on the assumption that the Government of India deficit is roughly 6 crores.

(Separation of Audit and Accounts and of Provincial balances)

32. The Reforms Enquiry Committee stated in 1924 that appreciable further advance towards autonomy in provincial finances depended on the separation of provincial balances from the balances of the Government of India. With a view to achieve this end they expressed their interest in the experiments of separation of audit from accounts which were being investigated and carried out by the Government of India. In their despatch No. 15 of 12th November 1925 to the Secretary of State, the Government of India endorsed fully the Committee's recommendations on this point. They however emphasised the point that separation of accounts from audit must precede a separation of provincial balances from central balances. The local Governments cannot be entrusted with the control of their own finances (i.e., ways and means operations) until it is certain that it is possible to evolve a scheme under which they will maintain their own accounts and take upon themselves the multifarious duties of a domestic nature which are now performed for them by the department of the Auditor General. The Government of India remarked that autonomy will be rudimentary so long as the local Governments exercise no sort of control over the agency which carries out these functions on their behalf. The separation of audit and accounts is the natural corollary of any scheme of provincial financial autonomy. Mr. Jukes, Secretary to the Government of India, Finance Department, in his written evidence before the Reforms Committee stated that—

"It is almost an axiom that an authority which is responsible for the expenditure of considerable sums of money should also be responsible for accounting for that expenditure. Its autonomy must remain in a very rudimentary stage as long as it has no sort of control over the agency which compiles its accounts. It is, therefore, represented that if any degree of advance in the financial autonomy of the provinces is to be made, the first step should be the transfer to the local Governments of the responsibility for maintaining their own accounts.....The position as regards the audit of accounts is entirely different. So long as the British Parliament and the Secretary of State retain any measure of financial control over the administration of local Governments, they will necessarily require the assistance of an audit staff entirely independent of the provincial authorities.....Even, therefore, if the compilation of their accounts is handed over to the provinces, it is essential that audit should remain a central subject. This entails a separation of accounts from audit and the entrusting of these two functions to different agencies."

The Government of Bombay agree entirely with these remarks and recommend the separation of accounts from audit, the subordination of accounts to the local Governments, and the separation of provincial balances from the balances of the Government of India as ultimately essential to provincial financial autonomy.

Control of the Government of India

33. The Government of Bombay have no cause for complaint against the rules about the borrowing powers of the local Government. With regard to the rules governing the Provincial Loan Fund, the Government of Bombay suggest that the rule providing for the charging of a quarter per cent. above the standard rate of interest

SEPARATION OF
AUDIT AND ACCOUNTS
AND OF PROVINCIAL
BALANCES.

CONTROL OF THE
GOVERNMENT OF
INDIA OVER THE
BORROWING POWERS
OF THE LOCAL
GOVERNMENT.

(Control of the Government of India)

on advances made to local Governments for unproductive expenditure should be done away with. The Government of India have full authority over the local Governments and require full details of all proposed capital expenditure before sanctioning a loan. No deterrent is, therefore, really needed and the extra interest charged has the unfortunate effect of making the unproductive expenditure—which is *ex hypothesi* necessary and desirable or it would not be sanctioned—yet more unproductive. They are also of opinion that the rule which requires that loans for unproductive purposes should not be below Rs. 5 lakhs should not apply to loans in connection with the Forest Department. That department is partly a commercial concern and partly an administrative body. It is difficult, if not impossible, to treat the department entirely as a commercial department and to maintain commercial accounts. While it is not possible to say in respect of certain expenditure that it is definitely productive in the sense that the expenditure can be proved to produce a given return, yet there is no doubt that on the whole the Forest Department is definitely productive. There is no valid reason why on the technical ground that a given percentage of profit from a given capital expenditure on a particular scheme cannot be proved the Government should be restrained from borrowing for capital expenditure on forest works without which there can be no efficient exploitation.

